

# Missouri House of Representatives

House Journals

1999 Session

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## **Veto Session**

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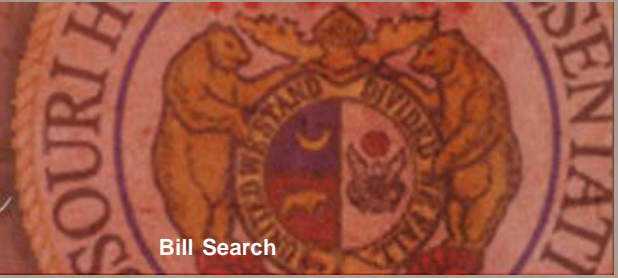
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Missouri House of Representatives

# MISSOURI

## House of Representatives



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Representative?**

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**State of Missouri**

**Journal of the House**

**Ninetieth General Assembly--1999**

**First Regular Session**

**FIRST DAY, Wednesday, January 6, 1999**

The House was called to order at twelve o'clock noon by the Honorable Rebecca Cook, Secretary of State.

Prayer by Father Hugh Behan.

"As we have opportunity, let us do good to all." (Gal. 6:10)

We gather this afternoon to open the 90th General Assembly as Congress opens its 109th also today. We do so with some snapshots of political life in the nation--the impending impeachment trial of the President, Jesse Ventura inaugurated as Governor of Minnesota, Senator John Ashcroft decides not to run for President, a new Speaker for Congress. We pause to acknowledge those who chose not to run, those who lost their seats and we welcome new members today. Our prayers go out to those who are suffering in any way, and our sympathy and prayers also go to the families of those who died this past year.

We thank you Eternal God for the orderly transfer of power as we begin this work. May we never take it for granted. We know we come here today dressed in nice suits and outfits, family gathered for the swearing in, surrounded by the beauty and majesty of this building and humbled by the heritage which we are committed to preserve and develop. We also know that we come capable of the noblest of human activity and its basest conduct. Guide us with your grace, we accept your forgiveness and pledge today to live up to the challenge of our oath of office. Amen.

The Pledge of Allegiance to the flag was recited.

### SECRETARY OF STATE ADDRESSES THE HOUSE

I would like to welcome all of you here today as we open the House of Representatives and begin the 90<sup>th</sup> General Assembly.

In particular, I would like to welcome the new members who are being sworn in for the first time.

And I would like to welcome the families and friends of all the members who are gathered here today for this great occasion.

This is a great occasion because it symbolizes the greatness of our democracy. Just two months ago, Missourians went to the polls to make their voices heard. They elected men and women to serve in offices ranging from County Collector and Presiding Commissioner, to State Auditor and United States Senator.

And, they elected one hundred sixty-three men and women to serve as members of this distinguished body.

With the oaths you are about to take from Judge Benton, the will of the voters is being carried out.

Our democracy is at work.

But our democratic process does not end today. It continues each and every day as each of you represent the needs and interests of 32,000 Missourians.

As Franklin Roosevelt put it: "Democracy is not a static thing. It is an everlasting march."

Our march for democracy continues as members of this body - of all ages, from all professions, religious denominations, economic backgrounds, with varied life experiences, from all parts of this state - representing equally diverse constituencies, come together to find common ground on the many issues facing this state on the eve of the twenty-first century.

Throughout our nation's history, throughout our state's history, we have found strength in our diversity.

While that diversity can lead to disagreements and conflict, the knowledge that we have all been elected to represent the people, eventually overshadows those differences. We find common ground and our democracy works.

President Dwight Eisenhower suggested that if you had to define democracy in one word it would have to be "cooperation."

I think you will find that to be the case as you interact with your colleagues, with the Senate, and other branches of government.

I certainly look forward to working with you in the coming months and in the years ahead.

With the twenty members being sworn in for the first time today, there will have been six thousand four hundred and fifty-nine men and women who have served in this body since Missouri became a state in 1821.

That places you in a very select group of people.

The Missouri House of Representatives is a great institution. It has a wonderful tradition. When you represent your district well, you not only honor that tradition, but you also honor our democracy.

Congratulations and good luck. May God be with each of you as you work together to improve the lives of Missouri citizens.

#### **COMMUNICATION FROM THE SECRETARY OF STATE**

To the Honorable House of Representatives of the Ninetieth General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, 1994, I have the honor to lay before you herewith a list of the names of the members of the House of Representatives for the Ninetieth General Assembly (First Regular Session) of the State of Missouri, elected at the General Election held on the 3<sup>rd</sup> day of November, 1998.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 4<sup>th</sup> day of January, 1999.

/s/ Rebecca McDowell Cook

SECRETARY OF STATE

MISSOURI HOUSE OF REPRESENTATIVES

Elected November 3, 1998

District Name

1st Sam Berkowitz

2nd Don Summers

3rd David G. Klindt

4th Rex Barnett

5th Dan Hegeman

6th Randall H. Relford

7th Jewell Patek

8th Gary Wiggins

9th Sam D. Leake

10th Robert Clayton

11th Phil Smith

12th Bill Luetkenhaus

13th Jon Dolan

14th Cindy Ostmann

15th Jon L. Bennett

16th Rich Chrismer

17th Don R. Kissell

18th Chuck Gross

19th Charles F. Nordwald

20th Gracia Yancey Backer

21st Ted Farnen

22nd Steve Gaw

23rd Timothy Harlan

24th Chuck Graham

25th Vicky Riback Wilson

26th Jim Seigfreid

27th Glenda Kelly

28th Charlie Shields

29th Maurice Lawson

30th Fred Pouche

31st Bill Skaggs

32nd Bonnie Sue Cooper

33rd Scott Lakin  
34th Annie Reinhart  
35th Luann Ridgeway  
36th Rodger L. Fitzwater  
37th Vernon Thompson  
38th Tim Van Zandt  
39th Marsha Campbell  
40th Henry C. Rizzo  
41st Fletcher Daniels  
42nd Lloyd Daniel  
43rd Vacant Due to Resignation of Mary Groves Bland  
44th Steve McLuckie  
45th Bill Tudor  
46th Thomas J. Hoppe  
47th Pat Kelley  
48th Bill Boucher  
49th Ralph A. Monaco  
50th Carol Jean Mays  
51st Dennis Bonner  
52nd Connie Cierpiot  
53rd Richard (Dick) Franklin  
54th Don Lograsso  
55th Carson Ross  
56th Matt Bartle  
57th O. L. Shelton  
58th Louis H. Ford  
59th Ron Auer  
60th Amber (Holly) Boykins  
61st Paula J. Carter  
62nd Charles Quincy Troupe  
63rd Dorathea Davis  
64th Robert (Bob) Hilgemann  
65th Derio Gambaro  
66th Harry Kennedy  
67th Patrick Dougherty  
68th James P. O'Toole  
69th Dana L. Murray  
70th Russell C. Gunn  
71st Rita D. Days  
72nd Betty L. Thompson



73rd Timothy P. Green  
74th Thomas (Tom) George  
75th Mary M. Hagan-Harrell  
76th Lana Ladd Stokan  
77th David L. Reynolds  
78th Michael J. Reid  
79th Patrick J. O'Connor  
80th John J. Hickey  
81st James Michael Foley  
82nd David L. Levin  
83rd Barbara Fraser  
84th Joan Bray  
85th Christopher A. (Chris) Liese  
86th Todd Akin  
87th Catherine L. Hanaway  
88th John Loudon  
89th William (Bill) Linton  
90th Bill Alter  
91st Emmy McClelland  
92nd Brent Evans  
93rd Patricia (Pat) Secrest  
94th Michael R. Gibbons  
95th Jim Murphy  
96th Joseph L. Treadway  
97th Carl H. Hendrickson  
98th May Scheve  
99th Catherine S. Enz  
100th Joan Barry  
101st Kate Hollingsworth  
102nd Ryan Glennon McKenna  
103rd Mark C. Abel  
104th Wes Wagner  
105th Harold R. Selby  
106th James E. (Jim) Graham  
107th Dan Ward  
108th Brian May  
109th John E. Griesheimer  
110th Francis Overschmidt  
111th Jim Froelker  
112th Merrill Townley

113th W. W. (Bill) Gratz  
114th Carl M. Vogel  
115th Blaine Luetkemeyer  
116th Chuck Pryor  
117th Larry Crawford  
118th Matt Boatright  
119th Delbert L. Scott  
120th Jim Howerton  
121st Deleta Williams  
122nd D. J. Davis  
123rd Ed Hartzler  
124th Vicky Hartzler  
125th Jerry R. King  
126th Martin (Bubs) Hohulin  
127th T. Mark Elliott  
128th Gary Burton  
129th Chuck Surface  
130th Gary Marble  
131st Sam Gaskill  
132nd Linda Bartelsmeyer  
133rd Ronnie Miller  
134th Norma Champion  
135th Roy W. Holand  
136th Mike Schilling  
137th Mark Wright  
138th Craig Hosmer  
139th Matt Blunt  
140th Charlie Ballard  
141st Judy Berkstresser  
142nd Jim Kreider  
143rd Estel Boyd Robirds  
144th Mary Lou Sallee  
145th Ken Legan  
146th Beth Long  
147th Mark Hampton  
148th Bill L. Ransdall  
149th Jerry E. McBride  
150th Kelly Parker  
151st Chuck Purgason  
152nd Wayne Crump

153rd Don Koller  
154th Mark L. Richardson  
155th Patrick Naeger  
156th Bill I. Foster  
157th David Schwab  
158th Mary C. Kasten  
159th Marilyn Taylor Williams  
160th Peter Myers  
161st Lanie Black  
162nd Denny J. Merideth, III  
163rd Phillip Britt

The following roll call indicated a majority of the Representatives present.

AYES: 160

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross



Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton 57 Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Thompson 37

VACANCIES: 001

The following Representatives advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Duane Benton, Chief Justice of the Missouri Supreme Court.

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton 57 Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

### **NOMINATIONS**

Representative Smith nominated Representative May Scheve as temporary Speaker of the House.

Representative Williams (159) seconded the nomination.

Representative Kelley (47) nominated Representative Ken Legan as temporary Speaker of the House.

Representative Kasten seconded the nomination.

Representative Days moved that nominations cease.

Which motion was adopted.

A vote was called for temporary Speaker of the House by casting a green vote for Representative Scheve and a red vote for Representative Legan.

AYES: 085

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dougherty  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Graham 24 Gratz  
Green Gunn Hagan-Harrell Hampton Harlan  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Leake Liese Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murray O'Connor O'Toole Overschmidt  
Parker Ransdall Relford Reynolds Rizzo  
Scheve Schilling Seigfreid Selby Shelton 57  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Van Zandt Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Cooper Crawford Dolan Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Griesheimer Gross Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kelley 47 King Klindt

Legan Levin Linton Lograsso Long

Loudon Luetkemeyer Marble McClelland Merideth

Miller Murphy Myers Naeger Ostmann

Patek Pouche Pryor Purgason Reid

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Shields

Summers Surface Townley Tudor Vogel

Wright

PRESENT: 000

VACANCIES: 001

The Chair ruled Representative Scheve elected temporary Speaker of the House.

The following committee was appointed to escort Representative Scheve to the dais: Representatives Rizzo, Smith, Williams (159), Koller, Days, McClelland, Cooper, Hohulin, Vogel and Treadway.

Representative Scheve assumed the Chair.

Representative Leake nominated Representative Steve Gaw for Speaker of the House.

Representative Carter seconded the nomination.

Representative Gibbons nominated Representative Delbert Scott for Speaker of the House.

Representative Boatright seconded the nomination.

Representative Foley moved that nominations cease.

Which motion was adopted.

A vote was called for the Speaker of the House by casting a green vote for Representative Gaw and a red vote for Representative Scott.

AYES: 086

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dougherty  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Graham 24 Gratz  
Green Gunn Hagan-Harrell Hampton Harlan  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Leake Liese Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Monaco Murray O'Connor O'Toole  
Overschmidt Parker Ransdall Relford Reynolds  
Rizzo Scheve Schilling Seigfreid Selby  
Shelton 57 Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 075

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Cooper Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Gross Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kasten Kelley 47 King Klindt  
Legan Levin Linton Lograsso Long  
Loudon Luetkemeyer Marble McClelland Miller  
Murphy Myers Naeger Ostmann Patek  
Pouche Pryor Purgason Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Shields Summers  
Surface Townley Tudor Vogel Wright

PRESENT: 000

VACANCIES: 001

The Chair ruled that Representative Gaw was elected Speaker of the House.

The following committee was appointed to escort Representative Gaw to the dais: Representatives Williams (159), McBride, Gunn, Hickey, Wiggins, Van Zandt, McClelland, Ross, Ridgeway and Cooper.

Representative Gaw subscribed to the oath of office which was administered by the Honorable Ronnie White, Justice of the Supreme Court.

Speaker Gaw assumed the Chair.

#### **SPEAKER ADDRESSES THE HOUSE**

Good afternoon, and thank you for the trust you have shown in me by allowing me to serve as your Speaker. It is an honor to welcome you--the General Assembly, chosen by the citizens of this state to lead us into the 21<sup>st</sup> Century.

Congratulations for earning the trust and respect of your constituents who selected you to represent them here in this grand chamber of our State Capitol.

I want to recognize all the family and friends with us here today. Without their support, we would not be here. I especially want to recognize and thank my wife, Fannie, for her wonderful support.

It is our privilege to serve in the Missouri House as we bring a close to this century and look toward the next.

We are the General Assembly that will be leading our great state into the new millennium...amid much anticipation. A new century of new challenges and new opportunities is before us.

The anticipation of all that lies ahead in the next 100 years is built largely upon all that we have seen in the past 100 years--a period of time that has taken us from horses to jet engines...postal mail to e-mail...and nearly eliminated one of history's devastating diseases with a drop of medicine in a sugar cube.

As much as we might try, our minds cannot truly comprehend, nor our imaginations completely capture, all that could come about in the next century--a cure for cancer...vehicles that emit water rather than carbon monoxide...the ability to travel to other planets...or maybe even through time.

Stephen Hawking truly believes time travel is possible. This famous physicist--a researcher, author and professor at Cambridge University--predicts that scientists will someday in the foreseeable future be able to identify particles that travel faster than the speed of light and perhaps, even travel through time.

Could such discoveries someday allow mankind to travel backward or forward in time?

Nearly 35 years ago, I walked through the doors of a one-room school house, known as Sugar Creek, where I began first grade and would continue my education until junior high.

Most years, there were two of us in my grade, though once, because of a population explosion, we got up to four students.

In that small country school, one teacher taught between 30 and 35 students in eight grades. Needless to say, she had only a limited amount of time with each grade...and with each student. After her time with my small class, I would often wander over to a little library in the corner of the room.

There...on those shelves...I would find words that frequently filled the rest of each school day...stories that took me to different worlds...ideas that influenced the rest of my life.

I discovered books that took me to other places and times...stories about dinosaurs from long ago...stories about people like Martin Luther King Senior and Junior, and how education put a sharecropper's son on a path that would someday change the world...and science fiction stories about space exploration and time travel.



Stephen Hawking believes we may be able to discover time travel in the century ahead, but I began traveling through time midway through this century...nearly 35 years ago...when I learned to read.

For thousands of years, we have been able to visit other worlds and other times through our minds and the words of others. With books and the written word, the universe is limitless.

I believe our visions for the future...for ourselves...for our families...for our state and nation...are born from the things we read when we are young.

With the ability to read, we gain access to the ideas of others...to places that others have seen...and people they have known. How much we learn in school is dependent upon something we too often take for granted--the ability to read.

Research in education shows that third grade is the critical time for a child to have learned how to read, and that ability is the foundation upon which learning takes place.

How can a child who is not proficient at reading learn of the great nations that have come before us...know the foresight of our founding fathers...understand the successes and mistakes of our past?

How can a child, who is not reading well by the third grade, explore the basics of science--biology, chemistry and physics?

How can a child ever hope to contribute to the new frontier of the 21<sup>st</sup> Century if they cannot absorb the tremendous information we have learned in this century...available to us now in the written word through books and our newest information source--the Internet?

Some might be led to believe the advent of new technology makes it appropriate for us to shift our focus away from the basics of reading, writing, math, social studies and science.

I believe that it's more important now than ever before, for our children to build strong foundations so they may be prepared and able to learn about the new and the old...so the computers in which we invest for our classrooms will not lie idle or be used as recess playgrounds.

Children who cannot read are not able to fully and successfully function in the small society of their school classrooms, and they certainly will not be able to successfully participate in the much larger society that awaits.

One statistic illustrates that point like no other. Seventy percent of inmates in our country's prisons are functionally illiterate--unable to write a basic personal business letter or read a bus schedule.

Let us find a way to ensure that every third grader who can, has the ability to read at grade level before the fourth grade begins.

The child that has not learned to read by that time will not be prepared to take on the century's new challenges and opportunities.

That child--although able to push the buttons on a computer--will not be able to fully benefit from the wealth of knowledge offered by the Internet...That child--even when given the best books money can buy--will not be able to learn about the wonders of the world...fulfill their potential for the future...or contribute to the discoveries of the new millennium.

Our work in this chamber last year focused on the needs of our state's children and their families. The foundation of Missouri...the very foundation of America...is built upon the working family.

1998 was one of the most successful legislative sessions in recent history. We provided tax relief that will especially benefit working families and senior citizens.

An increase in the state income tax deduction for dependents and property tax relief for seniors will put more money in the pockets of those who need it the most.

The Children's Health Initiative will help provide medical care to the thousands of children who have been uninsured because their working parents did not have access to affordable health insurance.

We have made Missouri safer for our families with the toughest laws in the nation to battle our state's substantial methamphetamine problem and keep sexual predators off the streets.

The Early Childhood Education Program will help Missouri's preschool aged children get a head start in life and enter school ready to learn.

And several new programs, including Advantage Missouri, will make college more affordable for working families.

As we prepare for the next millennium, we must remain focused on the importance of our foundation--and continue to address the needs of the working family.

Already living in a state with one of the lowest overall tax burdens in the entire nation, we have the opportunity to provide even more broad-based tax relief to our working families and senior citizens.

At the same time we need to keep watch on our state's budget and practice fiscal conservatism. We must make sure that our state has the resources to continue to soundly operate well into the new century...so our covenant with our children's future will not be broken.

We must continue to stand up for our seniors--those who laid the foundation for us.

Following last year's expansion of property tax relief for seniors, let us consider a tax credit for pharmaceuticals to help our state's elderly afford the medications they need to live longer and healthier lives.

We must make sure our state is safer, especially for our senior citizens and children, by initiating a system of background checks for people who care for the elderly, as well as those who provide care for our kids.

And we need to put a stop to those who approach our senior citizens through telephone calls and door-to-door pitches to engage in fraudulent means to deceive and rob them of the money they have saved for their retirement years.

We must also work to keep Missouri sound. We need to continue creating more good paying jobs across our state.

Missouri continues to enjoy successful economic times. We finished 1998 with a near record 3.9 percent unemployment rate and an inflation rate of 1.5 percent, both lower than the national average.

More Missourians than ever are working, with a net total of 34,000 new jobs created in the state last year. And 348 companies expanded existing facilities or built new one during the past year.

While most of us are sharing in these good economic times, there are some who are not. Let us not forget parts of our urban core areas that continue to experience economic difficulties.

And our family farmers are facing tough times, with some of the lowest prices for their products this century. This session we must take a serious look at what we can do to help preserve this important way of life in Missouri.

Continuing our work from last session, let us work to solve the problem of access to affordable health insurance for Missouri farmers as well as small business owners and their employees throughout the state.

Improving education...securing safe homes and neighborhoods...encouraging economic growth...fighting for additional tax relief...preserving our family farms...providing access to good health care--this is the work that will build a solid foundation for the 21<sup>st</sup> century.

With it, we can travel courageously into the future...to our new frontier...to our great destiny.

Let us be on our way.

Representative Monaco nominated Representative Jim Kreider for Speaker Pro Tem of the House.

Representative Troupe seconded the nomination.

Representative Shields nominated Representative Michael Gibbons for Speaker Pro Tem of the House.

Representative Long seconded the nomination.

Representative Farnen moved that nominations cease.

A vote was called for the Speaker Pro Tem of the House by casting a green vote for Representative Kreider and a red vote for Representative Gibbons.

AYES: 085

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Farnen Fitzwater Foley Ford Franklin

Fraser Gambaro George Graham 24 Gratz

Green Gunn Hagan-Harrell Hampton Harlan

Hickey Hilgemann Hollingsworth Hoppe Hosmer

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Luetkenhaus

May 108 Mays 50 McBride McKenna McLuckie

Monaco Murray O'Connor O'Toole Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Scheve Schilling Seigfreid Selby Shelton 57

Skaggs Smith Stokan Thompson 37 Thompson 72

Treadway Troupe Van Zandt Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 075

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Cooper Crawford Dolan Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Griesheimer Gross Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kelley 47 King Klindt

Legan Levin Linton Lograsso Long

Loudon Luetkemeyer Marble McClelland Merideth

Miller Murphy Myers Naeger Ostmann

Patek Pouche Pryor Purgason Reid

Reinhart Ridgeway Robirds Ross Sallee

Schwab Scott Secrest Shields Summers

Surface Townley Tudor Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 001

Richardson

VACANCIES: 001

The Chair ruled that Representative Kreider was elected Speaker Pro Tem of the House.

The following committee was appointed to escort Representative Kreider to the dais: Representatives Lakin, Sallee, Robirds, O'Connor, Kelly (27), Hosmer, Griesheimer, Davis (122), Mays (50), McKenna and Boykins.

Representative Kreider subscribed to the oath of office which was administered by the Honorable John Waters, Associate Circuit Judge of Christian County.

#### **SPEAKER PRO TEM ADDRESSES THE HOUSE**

Mr. Speaker, members of the public, distinguished colleagues, friends and honored guests

I am truly grateful to all of you for your trust and support

And I want to give a very special thanks to my family who is here with me today for all their love and patience

I stand before you today, a humble man a common man

As my friend from Jackson has said, I am neither fancy in dress nor in speech

But if you will bear with me there is something I have to say today

As I stand here in this beautiful chamber of the Missouri House, I am puzzled and deeply concerned

Over the past seven years our state has been blessed with tremendous growth and prosperity

Our citizens have better jobs

Our children have better schools

Our families have better health care

and Our communities have safer streets

All the while we have been able to lower taxes and refund millions of dollars in excess revenue...

Yes, we have accomplished so much in such a short period of time



Yet public support of the legislature remains at an all time low

Today, as we prepare for a new session, we have to ask ourselves why is this so

Perhaps part of the blame rests in Washington

But the truth is that those of us who sit in this chamber must take responsibility for part of the blame

In this era of intense partisanship, negative campaigning and winner-take-all politics we may have lost sight of our roles and our duties once we get here

I keep wondering where have all the statesmen gone

Have we lost respect for this great chamber? Its traditions and its rules?

When members, on both sides of the aisle, choose to wear casual clothes on the floor because the rules aren't quite clear enough

When we bring soft drinks to the floor in the can

When we walk in between members debating

And most importantly, when we lose our sense of civility to one another in debate

Mr. Speaker and members of the body I ask you I ask myself where is the respect where is the honor

I believe we are at a crossroads in this institution

In my opinion this House can no longer afford to be guided by only some of those principles you see engraved in our great chamber

at the expense of other EQUALLY important principles

You see each principle IS a column upon which this House stands

If some are ignored the House is on very shaky ground.

I say today that there can be no enterprise, no liberty,

no progress, no justice, no equality,

no education, no law, no knowledge and no truth

Without temperance, charity, fraternity and most of all HONOR

If we can remember THIS I believe public support will follow

Ladies and Gentlemen, today I accept the position of Speaker Pro Tem with great pride and humility

But more importantly, I accept it with these commitments



To my colleaguesI will strive each day to lead by exampleto follow the spirit of the rules and not just the letter and to respect this great chamber and my fellow STATESMEN

To the citizens of this statel will defend ALL the guiding principles upon which this government was foundednot just those that are politically convenient

I say let us replace the politics of opportunism with the politics of optimism

Let us embrace moderation, rather than extremism.

Mr. Speaker and fellow RepresentativesToday

Let us stand togetherGuided by each and every principle before us, with a single purpose

To serve the people of this state with RESPECT and HONORTHANK YOU.

### **RESOLUTIONS**

Representative Crump offered House Resolution No. 1.

#### **HOUSE RESOLUTION NO. 1**

BE IT RESOLVED, that the Rules of the House of Representatives of the Eighty-ninth General Assembly, and all amendments thereto, be the temporary Rules of the House of Representatives, Ninetieth General Assembly, until or unless otherwise ordered.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 1 was adopted by the following vote:

AYES: 158

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton 57 Shields Skaggs Smith  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Pryor Richardson Stokan

VACANCIES: 001

Speaker Gaw appointed the following members to the Committee on Rules, Joint Rules and Bills Perfected and Printed:  
Representatives Crump, Chairman, Foley, Vice-Chairman, Days, Backer, Gibbons, Harlan, Hickey, Hohulin, Kreider, Leake,  
Legan, Lograsso, Long, May, McClelland, Murray, Naeger, Pryor, Scheve and Shields.

Representative Crump offered House Resolution No. 2.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the Rules of the House of Representatives be suspended and the following be elected permanent officers of the House of Representatives of the Ninetieth General Assembly.

Chief Clerk.....Anne C. Walker  
Doorkeeper.....Carl Strader  
Sergeant-at-Arms.....Ralph Robinett  
Chaplain.....Fr. Hugh Behan

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 2 was adopted by the following vote:

AYES: 158

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton 57 Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Crawford Kelly 27 Richardson

VACANCIES: 001

## OATH OF OFFICE

The following House Officers subscribed to the oath of office administered by the Speaker.

Chief Clerk.....Anne C. Walker  
Doorkeeper.....Carl Strader  
Sergeant-at-Arms.....Ralph Robinett  
Chaplain.....Fr. Hugh Behan

## RESOLUTIONS

Representative Crump offered House Resolution No. 3.

### HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker.....Steve Gaw  
Speaker Pro Tem .....Jim Kreider  
Chief Clerk.....Anne C. Walker  
Doorkeeper.....Carl Strader  
Sergeant-at-Arms.....Ralph Robinett  
Chaplain.....Fr. Hugh Behan

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 3 was adopted by the following vote:

AYES: 157

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton 57 Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Boykins Dougherty Richardson Vogel

VACANCIES: 001

Representative Crump offered House Resolution No. 4.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninetieth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 4 was adopted by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt



Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton 57 Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Days Graham 106 Hohulin Kasten Luetkenhaus

Murphy Richardson Thompson 37 Vogel

VACANCIES: 001

Representative Crump offered House Resolution No. 5.

**PROPOSED**

**90TH GENERAL ASSEMBLY**

**RULES OF THE HOUSE**

**ORDER OF THE DAY AND CALENDAR**

**Time of Meeting.**

**Rule 1.** The time of meeting by the House unless otherwise ordered, shall be 10:00 o'clock a.m.

**Order of Business.**

**Rule 2.** The first of each day, after the House is called to order, shall be employed as follows:

- (a) Prayer by the Chaplain.
- (b) Pledge of Allegiance to American Flag.
- (c) Order of Business:
  - (i) Reading and approval of the Journal of the previous day's session.
  - (ii) Introduction and first reading of House Joint Resolutions.
  - (iii) Introduction and first reading of House Bills.
  - (iv) Second reading of House Bills and Joint Resolutions.
  - (v) Reports of standing committees.
  - (vi) Reports of special committees.
  - (vii) Bills, reports and other business on the table.
  - (viii) House Joint Resolutions to be perfected and printed.
  - (ix) House Bills to be perfected and printed.
  - (x) Third reading of House Joint Resolutions.
  - (xi) Third reading of House Bills.
  - (xii) Messages from the Senate.
  - (xiii) First reading of Senate Joint Resolutions and Senate Bills.
  - (xiv) Second reading of Senate Joint Resolutions and Senate Bills.
  - (xv) Third reading of Senate Joint Resolutions.
  - (xvi) Third reading of Senate Bills.
  - (xvii) Introduction of petitions, memorials, remonstrances and resolutions.
  - (xviii) Adoption of petitions, memorials, remonstrances and resolutions.

**Headings in House Calendar.**

**Rule 3.** There shall be provided on the House calendar the following divisions:

- (a) House Bills for second reading.
- (b) House Joint Resolutions for second reading.
- (c) House Bills to be perfected and printed.

- (d) House Joint Resolutions to be perfected and printed.
- (e) House Appropriation Bills to be perfected and printed.
- (f) House Revision Bills to be perfected and printed.
- (g) House Bills - Federal Mandate to be perfected and printed.
- (h) House Bills to be perfected and printed-laid over informally.
- (i) House Joint Resolutions to be perfected and printed-laid over informally.
- (j) House Appropriation Bills to be perfected and printed-laid over informally.
- (k) House Revision Bills to be perfected and printed- laid over informally.
- (l) House Bills - Federal Mandate to be perfected and printed-laid over informally.
- (m) House Bills to be agreed to and placed upon third reading and final passage.
- (n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.
- (p) House Revision Bills to be agreed to and placed upon third reading and final passage.
- (q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.
- (r) House Bills to be agreed to and placed upon third reading and final passage-laid over informally.
- (s) House Joint Resolutions to be agreed to and placed upon third reading and final passage-laid over informally.
- (t) House Appropriation Bills to be agreed to and placed upon third reading and final passage-laid over informally.
- (u) House Revision Bills to be agreed to and placed upon third reading and final passage-laid over informally.
- (v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage-laid over informally.
- (w) House Bills reported out of committee by consent and placed upon Consent Calendar for Perfection.
- (x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.
- (y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.
- (z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed-laid over informally.
- (aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage-laid over informally.
- (cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage-laid over informally.
- (ee) Senate Bills for second reading.
- (ff) Senate Joint Resolutions for second reading.
- (gg) Senate Bills for third reading and final passage.
- (hh) Senate Joint Resolutions for third reading and final passage.
- (ii) Senate Revision Bills for third reading and final passage.
- (jj) Senate Bills - Federal Mandate for third reading and final passage.
- (kk) Senate Bills for third reading and final passage-laid over informally.
- (ll) Senate Joint Resolutions for third reading and final passage-laid over informally.
- (mm) Senate Revision Bills for third reading and final passage-laid over informally.
- (nn) Senate Bills - Federal Mandate for third reading and final passage-laid over informally.
- (oo) Senate Bills for Third Reading and Final Passage-Consent Calendar.

(pp) Courtesy Resolutions Calendar.

(qq) House Resolutions and Concurrent Resolutions Calendar.

(rr) Senate Concurrent Resolutions Calendar.

(ss) Bills in Conference.

(tt) House Bills with Senate Amendments.

(uu) House Bills taken from Committee, as provided by the Constitution.

### **Orders of the Day.**

**Rule 3.5** Upon recess or adjournment the Majority Floor Leader shall advise the entire membership of the business anticipated to be conducted during the remainder of that legislative day and during the next legislative day.

## **OFFICERS**

### **GENERALLY**

#### **Election; Oath; Compensation.**

**Rule 4.** The House shall elect the following officers at the commencement of the first regular session of each general assembly: Its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean themselves in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by the Speaker and receive such compensation as provided by law.

### **SPEAKER**

#### **Speaker to Call Members to Order.**

**Rule 5.** The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.

### **Parliamentary Rulings;**

#### **Referral to Parliamentary Committee.**

**Rule 6.** Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. It shall be the duty of the chair when other than the Speaker or the Speaker Pro Tem to call the Parliamentary Committee at the time the point of order is raised and before any discussion on the point of order takes place. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Leader and the Minority Leader, or their designees.

#### **Speaker May Speak on Points of Order.**

**Rule 7.** The Speaker may speak on points of order in preference to other members, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members, points of order but shall address his/her remarks only to the chair.

#### **Appeal from the Ruling of the Chair.**



**Rule 8.** Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.

**Speaker Has General Supervision of Hall.**

**Rule 9.** The Speaker shall have general direction and supervision of the Hall and shall preserve decorum and order in the Hall.

**Speaker Has Supervision over House Employees.**

**Rule 10.** The Speaker shall have supervision and control over all employees of the House.

**Speaker May Substitute Member to Perform Duties.**

**Rule 11.** The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.

**Speaker Shall Sign Bills.**

**Rule 12.** The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Clerk.

**Speaker May Clear the Hall.**

**Rule 13.** In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared.

**Manner of Putting Questions.**

**Rule 14.** The Speaker shall rise to state and put questions. Questions shall be in the following form: As many as are in favor (by electric roll call) vote "Aye". As many as are opposed (if by electric roll call) vote "No". (Or if by voice vote say "Aye" or "No.")

**OTHER OFFICERS**

**Speaker Pro Tem.**

**Rule 15.** The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 11.

**Chief Clerk.**

**Rule 16.** It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall: prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.

**Assistant Chief Clerk.**

**Rule 17.** It shall be the duty of the Assistant Chief Clerk to assist the Chief Clerk in performing his/her duties. The Assistant Chief Clerk shall prepare the daily Journal, supervise the staff of the Chief Clerk, discharge the duties of the Chief Clerk in his/her absence and perform such other duties as may be assigned to him/her.



### **Reading Clerk.**

**Rule 18.** The duties of the Reading Clerk shall be to attend the House during its sittings and to read to the House all bills, resolutions and communications, and to perform all such acts as are usually required in connection with his/her office, and said Clerk shall be appointed by the Speaker.

### **Doorkeeper.**

**Rule 19.** It shall be the duty of the Doorkeeper subject to the orders of the Speaker to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the bar except such as are admitted by the rules or orders of the House. He/she shall announce all messages or communications from the Governor or the Senate, and admit the bearer within the bar. He/she shall execute the commands of the Speaker, in relation to his/her duties, and shall obey such other orders as may be made by the House.

### **Sergeant-at-Arms.**

**Rule 20.** It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.

### **Chaplain.**

**Rule 21.** It shall be the duty of the Chaplain to attend at the commencement of each day's sitting of the House, to open the sessions thereof with prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.

### **Postmaster.**

**Rule 22.** It shall be the duty of the Postmaster or Postmasters to receive and properly distribute the mail of the members and employees of the House and to perform such other duties as may be required of them. The Postmaster or Postmasters shall be appointed by the Speaker.

### **Employees.**

**Rule 23.** The House may employ and the Speaker appoint such employees as are necessary and authorized by the Committee on Accounts, Operations and Finance. No person shall be initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.

## **COMMITTEES**

### **By Whom Appointed; Composition of Membership.**

**Rule 24.** All standing and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and designate the total number of members to serve on each committee, except the minority members of each committee shall be appointed by the Minority Leader, subject to the final approval of the Speaker. The vice-chairman shall preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, Minority Floor Leader and the Assistant Minority Floor Leader shall be ex officio members of all committees of the House for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of said Committee. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House.

## **Kinds Of.**

**Rule 25.** Committees shall be: A Committee of the Whole House, Standing Committees, and Special Committees.

## **Time of Sitting.**

**Rule 26.** No committee shall sit during the session of the House without leave.

## **Standing Committees Enumerated.**

**Rule 27.** The standing committees of the House shall be as follows:

1. Accounts, Operations, and Finance
2. Agri-Business
3. Agriculture
4. Appropriations-General Administration
5. Appropriations-Education and Public Safety
6. Appropriations-Natural and Economic Resources
7. Appropriations-Health and Mental Health
8. Appropriations-Social Services and Corrections
9. Banks and Financial Institutions
10. Budget
11. Children, Youth and Families
12. Civil and Administrative Law
- 12.5. Criminal Law
13. Commerce
14. Consumer Protection
15. Correctional and State Institutions
16. Education-Elementary and Secondary
17. Education-Higher
18. Elections
19. Environment and Energy
20. Federal-State Relations and Veterans Affairs
21. Reserved
22. Governmental Organization and Review
23. Insurance
24. Judiciary
25. Labor
26. Local Government and Related Matters
27. Reserved
28. Miscellaneous Bills & Resolutions
29. Motor Vehicle and Traffic Regulations
30. Municipal Corporations

31. Professional Registration and Licensing
32. Public Health and Safety
33. Retirement
34. Rules, Joint Rules, and Bills Perfected and Printed
35. Critical Issues
36. Social Services, Medicaid and the Elderly
37. State Parks, Natural Resources and Mining
38. Transportation
39. Tourism, Recreation and Cultural Affairs
40. Urban Affairs
- 40.5. Utilities Regulation
41. Ways and Means
42. Workers Compensation and Employment Security

The Speaker may appoint such special committees as he/she deems necessary.

#### **Duties of the Standing Committees.**

##### **Rule 28. (1) *Accounts, Operations, and Finance.***

(a) *Duties, generally.* The Committee on accounts, operations and finance shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.

(b) *Funds for operation of members' individual offices.* The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

(c) *Allotment of offices, chamber seats, parking spaces.* Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members, according to seniority within each respective party caucus, except that no member shall be forced to give up his/her offices, chamber seat or parking space that he/she currently occupies. Notwithstanding any provision of this rule to the contrary, the committee may make assignments to House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chairman, and the chairman and ranking minority member of the accounts committee, without respect to the seniority of those members.

(d) *Duties of Chief Clerk in Respect to Committee.* The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee.

The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a monthly basis.

(2) *Agri-Business.* The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.

(3) *Agriculture.* The Committee on Agriculture may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.

(4) *Appropriations-General Administration.* The Committee on Appropriations-General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt, Elected Officials, Office of Administration, the General Assembly, the Department of Revenue, and the Missouri Department of Transportation.

(5) *Appropriations-Education and Public Safety.* The Committee on Appropriations-Education and Public Safety shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education,



the Department of Higher Education, the Department of Public Safety and Judiciary.

(6) *Appropriations-Natural and Economic Resources.* The Committee on Appropriations-Natural and Economic Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources, the Department of Economic Development, the Department of Insurance, the Department of Conservation and the Department of Labor and Industrial Relations.

(7) *Appropriations-Health and Mental Health.* The Committee on Appropriations-Health and Mental Health shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and the Department of Mental Health.

(8) *Appropriations-Social Services and Corrections.* The Committee on Appropriations-Social Services and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Social Services and Corrections.

(9) *Banks and Financial Institutions.* The Committee on Banks and Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans and other financial institutions.

(10) *Budget.*

(a) *Duties, generally.* The Committee on Budget shall have the responsibility of filing all appropriation bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.

(b) *Bills which reduce net state revenue or increase net state expenditures by \$100,000 or more.* The Committee on Budget shall consider all bills which require new appropriations or net expenditures of state money in excess of \$100,000 or which reduce net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bills. Any such House bill, after having been perfected and ordered printed by the House shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires new appropriations or net expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House to be truly agreed and finally passed. Any such Senate bill, after having been approved by the regular standing committee to which it was referred, shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any Senate or House bill taken from any standing committee pursuant to the Constitution and House Rule 36 which requires new appropriations or expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion, be re-referred to the Committee on Budget. The primary sponsor or, in the case of a Senate bill, the floor handler, of a bill referred to the Committee on Budget shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other. For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated.

(c) *Amending effective date onto bills in committee.* The Committee on Budget may, with the consent of the House Sponsor or Floor Handler, amend an effective date onto any bill referred to the Committee.

(11) *Children, Youth, and Families.* The Committee on Children, Youth and Families may consider, report upon and conduct ongoing study of bills and matters referred to it concerning the problems of children, youth and families including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment and recreation.

(12) *Civil and Administrative Law.* The Committee on Civil and Administrative Law may consider and report upon bills and matters referred to it relating to civil and administrative laws and procedure.

(12.5) *Criminal Law.* The Committee on Criminal Law may consider and report upon bills and matters referred to it relating to criminal laws and procedures.

(13) *Commerce.* The Committee on Commerce may consider and report upon bills and matters referred to it relating to commerce, industrial growth, expansion and development.

(14) *Consumer Protection.* The Committee on Consumer Protection may consider and report upon bills and matters referred to it relating to retail sales and practices, credit unions and consumers.

(15) *Correctional and State Institutions.* The Committee on Correctional and State Institutions may consider and report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, the state penitentiary, state hospitals, charitable institutions, and other state properties.

(16) *Elementary and Secondary Education.* The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education in this state, including teachers, financing,

property, indebtedness and curriculum.

(17) *Higher Education.* The Committee on Higher Education may consider and report upon bills and matters referred to it relating to higher education in the state, including teachers, financing, property, indebtedness and curriculum.

(18) *Elections.* The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.

(19) *Environment and Energy.* The Committee on Environment and Energy may consider and report upon bills and matters referred to it relating to the development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste; recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues.

(20) *Federal-State Relations and Veterans Affairs.* The Committee on Federal-State Relations and Veterans Affairs may consider and report upon bills and matters referred to it relating to the relationship between the Federal Government and the State of Missouri, veterans affairs, the promotion and strengthening of states rights and military and naval affairs of the state.

(21) *Reserved.*

(22) *Governmental Organization and Review.* The Committee on Governmental Organization and Review may consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and departments of the state and local governments; the public buildings of the state, including the Division of Design and Construction, the Division of Facilities Management, the capitol grounds and the state and legislative library. The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The committee shall also consider and report on such bills and matters related to the efficiency of government in the state that may be referred to it.

(23) *Insurance.* The Committee on Insurance may consider and report upon bills and matters referred to it relating to insurance and the improvement of insurance laws and the efficiency of the Department of Insurance.

(24) *Judiciary.* The Committee on Judiciary may consider and report upon all bills and matters referred to it relating to the judicial branch of the state, the practices and procedures of the courts of this state, and the ethics of public officials.

(25) *Labor.* The Committee on Labor may consider and report upon bills and matters referred to it relating to the conditions and interest of labor.

(26) *Local Government and Related Matters.* The Committee on Local Government and Related Matters may consider and report upon bills and matters referred to it relating to county courts and local government generally.

(27) *Reserved.*

(28) *Miscellaneous Bills and Resolutions.*

(a) *Duties, generally.* The Committee on Miscellaneous Bills and Resolutions may consider and report upon resolutions referred to it and upon any bill which, in the opinion of the Speaker, merits special consideration. Any resolution introduced between adjournment and December 31st in even and odd numbered years shall be examined by the Chairman of the Committee and he shall have authority to approve, as if passed by a vote of the House, those resolutions which are courtesy resolutions. Any resolution that is not a courtesy resolution will require action by the Committee on Miscellaneous Bills and Resolutions and the House as provided for by the House Rules.

(b) *Courtesy resolutions.* A courtesy resolution is a resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, sympathy on the death of an individual, congratulations on an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider in the nature of a courtesy resolution.

(29) *Motor Vehicle and Traffic Regulations.* The Committee on Motor Vehicle and Traffic Regulations may consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.

(30) *Municipal Corporations.* The Committee on Municipal Corporations may consider and report upon bills and matters referred to it relating to the organization, government and improvement of cities, towns, villages and other questions concerning municipal bodies.

(31) *Professional Registration and Licensing.* The Committee on Professional Registration and Licensing may consider and report upon bills and matters referred to it relating to boards, bureaus, and commissions that examine the qualifications of persons engaged in certain professions and occupations and the duties of such agencies and the persons registered by them.

(32) *Public Health and Safety.* The Committee on Public Health and Safety may consider and report upon bills and matters referred to it relating to the health and safety of the people of the State of Missouri.



(33) *Retirement.* The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees.

(34) *Rules, Joint Rules, and Bills Perfected and Printed.*

(a) *Duties, generally.* The Committee on Rules, Joint Rules, and Bills Perfected and Printed shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, Joint Rules, and Bills Perfected and Printed, and upon any bill which merits special consideration.

(b) *Duties related to printing and proofing bills.* The Committee shall direct the printing of all bills ordered perfected and printed, and see that all amendments to every such bill are incorporated therein before the bill is printed and certify to the House that the printed copies of the bill on the desks of the members are true and correct copies of the bill as ordered perfected and printed; shall carefully examine the typed copy of all bills which are truly agreed to and finally passed and compare each bill agreed to and finally passed with the perfected bill, correct the clerical errors, if any, and return the bill with a committee report to the House certifying that the bill is truly and correctly typed as agreed to and finally passed.

(c) *Petition to remove from perfection calendar.* Upon petition of two-thirds of the standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, the Committee on Rules and Joint Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.

(d) *Petition to remove from third-reading calendar.* Upon petition of two-thirds of the standing committee chairmen, the Committee on Rules, Joint Rules and Bills Perfected and Printed shall have the authority to consider and remove, any Senate bill or Joint Resolution from the regular third reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules and Joint Rules, may be recommitted to the Committee on Rules and Joint Rules by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.

(35) *Critical Issues.* The Committee on Critical Issues may consider and report upon bills and matters referred to it relating to issues of a critical nature to State Government. The Committee will identify those issues and the options available that are most important to citizens and lawmakers and formulate legislation in a systematic and comprehensive manner and provide future planning and direction for a regular structured plan.

(36) *Social Services, Medicaid and the Elderly.* The Committee on Social Services, Medicaid and the Elderly may consider and report upon bills and matters referred to it relating to social services Medicaid, children's aid and the elderly.

(37) *State Parks, Natural Resources and Mining.* The Committee on State Parks, Natural Resources and Mining may consider and report upon bills and matters referred to it relating to state parks, fish and game, forestry, mines, water and other natural resources.

(38) *Transportation.* The Committee on Transportation may consider and report upon bills and matters referred to it relating to roads, highways, bridges, ferries, airports, railroads and other means of transportation.

(39) *Tourism, Recreation and Cultural Affairs.* The Committee on Tourism, Recreation and Cultural Affairs may consider and report upon all matters referred to it pertaining to the development and promotion of travel, tourism, recreation, the arts and cultural affairs.

(40) *Urban Affairs.* The Committee on Urban Affairs may consider and report upon bills and matters referred to it relating to city planning and other urban issues.

(40.5) *Utilities Regulation.* The Committee on Utilities Regulation may consider and report upon bills and matters referred to it relating to incorporation and regulations of utilities, including gas, electric, water, heating, sewer, cable television, and telephone and telegraph companies, as well as rural electric cooperatives.

(41) *Ways and Means.* The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the revenue and public debt of the state, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenues and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House.

(42) *Workers Compensation and Employment Security.* The Committee on Workers Compensation and Employment Security may consider and report upon bills and matters referred to it relating to the Workmen's Compensation Act, unemployment compensation and employment security.

The Speaker may appoint such special committees as he/she deems necessary.

## **Duties of Committee Chairman;**

### **Organization of Committee.**

**Rule 29.** (a) *Duty to preside; not required to vote.* It is the duty of the chairman to preside at all sessions of the committee. He/she is not required to vote on any measures except in the case of a tie, but he/she may do so if he/she so desires.

(b) *When Chair is Absent.* In the absence of a chairman, the vice-chairman of the committee shall preside, and in his/her absence, a member appointed by the chairman.

(c) *Minute book.* The chairman shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing. The chief clerk shall be the repository of the minute book after each general assembly.

(d) *Bills, reports, and other documents.* The chairman shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.

(e) *Duty to preserve order.* The chairman, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accord with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

(f) *When a Bill Fails.* Whenever a motion that a bill "Do Pass" shall fail, or if there be an even division on the question, the chairman shall report said bill back to the House "Do Not Pass" unless the bill is otherwise disposed of by another motion.

### **Committee Hearings.**

**Rule 30.** All bills referred to committees shall be considered by giving the author, the proponents and the opponents a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chairman for failure to do so. In the discretion of the committee, the length of time allowed any one speaker may be limited.

### **Quorum.**

**Rule 31.** A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.

### **Meetings-How Announced.**

**Rule 32.** (a) *One Day's Notice and Journal Entry Required.* Announcement of all meetings of committees, other than meetings of the appropriations committees, shall include a statement of all matters to be considered at the meeting, shall be read from the clerk's desk at least one day prior to the meeting and shall be entered in the journal prior to the beginning of the meetings.

(b) *Posting of Agenda.* The chairman of each committee shall give written notice of the time, date, place and tentative agenda of all meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least twenty-four hours prior to the meeting and shall include posting the notice on the bulletin board located outside the Speaker's office.

(c) *When Notice Requirements May Be Waived.* For good cause meetings may be conducted on less than twenty-four hours' notice or at a place or time that is not convenient to the public. When for good cause it is necessary to hold a meeting on less than twenty-four hours' notice or at a place or time that is not convenient to the public, the nature of the good cause shall be stated in the committee's minutes.

### **Other Duties.**

**Rule 33.** Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House.

### **Attendance.**

**Rule 34.** The secretary of each committee shall keep a record of the attendance at each committee meeting in the minute



book of the committee, which shall be available to the Speaker on request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be called by the chairman or secretary of a committee at each meeting.

#### **Minority Views.**

**Rule 35.** The minority of a committee may not make a report or present a proposition of legislation, but has the right to file views to accompany the report.

#### **Committee Relieved of Bill--When.**

**Rule 36.** No bill shall be taken away from any standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. If any bill is taken away from any committee by vote of one-third of the elected members of the House, as provided by the Constitution, then the bill shall be placed on a separate calendar, at the foot of the existing House Calendar, and shall not be taken up and considered by the House until all bills on the entire House calendar ahead of such bill have been disposed of by the House.

#### **Election Contest.**

**Rule 37.** Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the standing Committee on Elections or a special committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.

#### **Ethics Committee;**

#### **Complaints of Ethical Misconduct.**

**Rule 38.** (a) *Committee Established.* The Speaker shall appoint a Committee on Ethics and name the committee's chair and vice-chair. The committee shall have an equal number of members of the majority and minority party. The minority members of the committee shall be appointed by the minority leader.

(b) *Committee Authority.* The Committee may consider and report upon complaints referred to it relating to a member of the House of Representatives involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The Committee is authorized to investigate such complaints and, after notice and a hearing conducted pursuant to Rules of Procedure established under this rule, to report to the House its findings, conclusions and recommendation. The Committee is further authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

(c) *Rules of Procedure.* Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the Committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.

(d) *Receipt of Complaint; Investigation.* Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer within 10 days the same, without discussion, to the Committee on Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call.

(e) *Report and Recommendations.* At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendation to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendation. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.

(f) *Application of Standing Committee Rules to Ethics Committee.* All rules that pertain to standing committees of the House shall apply to the Committee on Ethics to the extent consistent with this rule and any rules of procedure adopted pursuant to paragraph (c) of this rule.

#### **BILLS**

### **Introduced; Manner of Setting Forth New and Old Material.**

**Rule 39.** (a) *When.* Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business.

(b) *Manner of Printing.* Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:

"Explanation--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law."

Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any bill or substitute which does not comply with this rule shall not be placed upon the calendar.

(c) *Number of Copies Submitted.* Each bill shall be submitted in triplicate.

### **Number of Copies Printed.**

**Rule 40.** One thousand copies of all House Bills and House Joint Resolutions shall be printed. The Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate.

### **Reading by Title Sufficient.**

**Rule 41.** The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the House.

### **To Go Upon Calendar-When.**

**Rule 42.** No House Bill shall be placed upon the calendar for second reading until the legislative day following the introduction and first reading of said bill.

### **Timing of Placement on Calendar;**

#### **Federal Mandate Calendar.**

**Rule 43.** (a) When a bill is reported from the committee with the recommendation that it "do pass" or "without recommendation", it shall go upon the calendar of the House. No bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the calendar for at least one legislative day.

(b) No bill shall be placed on the Federal Mandate Calendar unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be considered for placement on the Federal Mandate Calendar shall request such in writing to the Chair of the Committee where such bill has been assigned. The written request should state the deadline with which the state must comply with the federal mandate and what will happen if the state doesn't comply by this date. A copy of the federal statute(s) or regulation(s) mandating what the state must do shall accompany the written request. If said bill is reported do pass from the committee recommending that said bill be placed on the Federal Mandate Calendar, the Chair shall submit to the Speaker a copy of the original written request along with a copy of the federal statute(s) or regulation(s) mandating state action. If the Speaker concurs that said bill complies with all requirements of this rule, he shall place said bill on the Federal Mandate Calendar.

### **Motion to Place on Calendar.**

**Rule 44.** If a bill is reported from the committee with the recommendation that it "do not pass" it shall not go on the calendar of the House unless ordered by a constitutional majority. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the author of the bill is present or the motion is made by a

member upon the author's written request. If no such action is taken within said time, the bill shall lie on the table.

### **Bills Laid Over Informally.**

**Rule 45.** When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the author thereof, if a House Bill, or, (upon the request of its sponsor in the House, if a Senate Bill), be laid over informally, and thereafter called up at any time, in any order, when otherwise in order.

### **To Appear in Order.**

**Rule 46.** All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.

### **Ten Day Rule.**

**Rule 47.** If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action by the House.

### **Consent Calendar.**

**Rule 48.** (a) *Which Bills May Be Placed.* Each committee, after a favorable vote on a bill without amendment, may further determine by a second and affirmative vote of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.

(b) *Procedure.* If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be placed on that calendar and after said bill has remained on the "House Consent Calendar for Perfection" for five legislative days, it shall be ordered perfected and advanced to the "House Consent Calendar for Third Reading and Final Passage" without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be sent to the Committee on Rules and Joint Rules. If the Committee on Rules and Joint Rules concur in the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be deemed perfected and placed on the "House Consent Calendar for Third Reading and Final Passage" without further action by the House. If the committee does not concur with the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be returned to the committee from which it was originally reported. An objection made by five members under this rule cannot be rescinded.

## **AMENDMENTS**

### **Of Committees and Substitutes.**

**Rule 49.** (a) *In Writing; What Amendments, Substitutes, Etc. Are in Order.* Proposed amendments must be reduced to writing on demand. When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original amendment is perfected, but either may be withdrawn before amendment or decision is had thereon.

(b) *Committee Substitute Treated as Original.* A House committee substitute shall be considered as an original bill for purposes of amendment.

(c) *House Substitute.* A House substitute shall be considered as an amendment. A House substitute must be distributed to the members at least one legislative day prior to its consideration by the House; except after the Second Monday in May, no House Substitute shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House. A House amendment which, in the opinion of the chair, is of such scope and length, that it is in reality a house substitute, must be distributed in the same manner as a house substitute.

(d) *One House Substitute at a Time.* Only one House substitute shall be in order at one time.

(e) *When Federal Mandate Bills Can Be Amended.* Amendments to House and Senate Bills - Federal Mandate are not permitted except perfecting amendments are permitted to make technical corrections.

### **Committee Substitute Printed.**



**Rule 50.** When a committee recommends a substitute for a bill the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the chairman or any member designated by the chairman. The Chief Clerk shall have one thousand copies of the substitute printed for the use of the House, except that the Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate. No committee substitute shall be called from the calendar of the House until the printed copies have reached the members. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated the original bill shall be before the House for perfection and shall immediately be considered.

#### **Order of Amendments.**

**Rule 51.** When amendments to any bill, motion or proposition are pending they shall be voted on in the following order:

(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.

(2) Amendments to the substitute are next voted on, and may be offered seriatim as fast as disposed of until the substitute is perfected.

(3) The substitute is next voted on. Both the amendment and the substitute having been perfected and presented in final form, the House or committee makes its choice of the two.

(4) The amendment is voted on last. If the substitute has been agreed to, the vote comes on the amendment as amended by the substitute.

#### **Amendments Incorporated in Bill.**

**Rule 52.** All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Committee on Bills Perfected and Passed, whose report to the House shall be set forth, in writing, that the bill is truly perfected, and the printed copies furnished to the members are correct.

### **BILLS**

#### **Ayes and Noes Taken.**

**Rule 53.** When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively, or amended, by a majority of the members elected, unless objection be made, in which case the vote shall be taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.

#### **Repassage.**

**Rule 54.** When all Senate amendments to House bills have been concurred in by the constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on its first passage, a constitutional majority shall be necessary to the final passage of the bill.

#### **Majority to Perfect.**

**Rule 55.** A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.

#### **Amending After Perfection; Perfecting Amendments.**

**Rule 56.** No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has

been read the third time.

#### **Motion for Final Passage.**

**Rule 57.** When the Committee on Bills Perfected and Passed reports a bill truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be agreed to, read a third time and put upon its final passage?" If a constitutional majority sustains the question the bill shall be put immediately upon its passage.

#### **Bills Not to be Passed on Previous to Roll Call.**

**Rule 57.5.** No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.

#### **Course After Passage.**

**Rule 58.** When a bill passes the House, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

#### **Perfecting Amendment on Bills Returned from the Senate.**

**Rule 59.** No bill may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the perfecting amendment.

#### **Conference Report.**

**Rule 60.** (a) *Review for Correctness.* Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.

(b) *Notice Requirements.* No conference committee report shall be taken up and considered unless the same has been distributed to the members at least one legislative day prior to its consideration; except after the first Wednesday following the second Monday in May, no conference committee report shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House.

### **RESOLUTIONS**

#### **Joint and Concurrent Resolutions.**

**Rule 61.** All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.

#### **Joint and Concurrent of Congress.**

**Rule 62.** (a) *Procedure, Generally.* All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.

(b) *Not to be Amended.* The text of the amendment as proposed by the Congress of the United States shall not be amended.

#### **Petitions, Memorials, Remonstrances, and Resolutions.**

**Rule 63.** All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without reading, consideration, discussion, explanation or debate, to the Committee on Miscellaneous Bills and Resolutions unless referred to

some other appropriate committee by the Speaker. Those papers that are favorably recommended by the committee for adoption by the House shall be printed in the Journal and placed upon a resolutions calendar. Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full.

## **SENATE BILLS**

### **Referral.**

**Rule 64.** Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.

### **Go Upon the Calendar.**

**Rule 65.** (a) *Reported out of Committee.* When a Senate Bill is reported from the committee to which referred with the recommendation that it "do pass", or "without recommendation", it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the Calendar for at least one legislative day.

(b) *Senate Consent Bills.* A Senate Bill passed by the Senate pursuant to its procedure for consent bills shall be considered for treatment as a consent bill by the House committee to which it was referred without further request but such bills may be amended in the House committee. However, any bill that is of a controversial nature or increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent. The committee, after a favorable vote on the bill, may by a second and affirmative vote of every member present, request said bill be placed on the "Senate Bills for Third Reading and Final Passage-Consent Calendar."

(c) *Senate Consent Bills-Objections.* Senate bills passed out of the House committee with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage-Consent Calendar are subject to the five member objection provision of Rule 48.

(d) *Senate Consent Bills-When Taken Up.* No Senate consent bill may be taken up after 6:00 p.m. on the first Thursday following the third Monday in April.

(e) *When Amendment Permitted.* Senate consent bills may be amended in committee but not on the floor of the House unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the House floor.

### **When Reported "Do Not Pass."**

**Rule 66.** If a Senate Bill be reported from the committee to which referred with the recommendation that it "do not pass" it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill.

### **Amendments.**

**Rule 67.** Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.

**Rule 68. Reserved.**

## **MOTIONS**

### **Must Be Read or Stated Before Debate.**

**Rule 69.** When a motion is made it shall be stated by the Chair or read aloud by the Clerk before being debated.



#### **When in Possession of House.**

**Rule 70.** When a motion is stated by the Speaker or read by the clerk it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time when another motion is not pending before decision or amendment.

#### **To Be Reduced to Writing.**

**Rule 71.** Every motion shall be reduced to writing if the Speaker or any member demands it.

#### **Must Be Germane.**

**Rule 72.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

#### **Privileged.**

**Rule 73.** When a question is under debate, no motion shall be entertained but to adjourn; to take recess; to lay on the table; for the previous question; to postpone to a certain day; to commit or amend, or postpone indefinitely; which several motions shall have precedence in the order herein set forth.

#### **Dilatory.**

**Rule 74.** When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.

#### **To Adjourn in Order-When.**

**Rule 75.** Except as above limited, and except when a member is speaking or the roll is being called, a motion to adjourn is always in order, and pending the result of such a motion, no member shall leave his seat in the House.

#### **Previous Question.**

**Rule 76.** The previous question shall be in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. The proponent shall not be allowed to make a closing statement after the first Monday in May. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.

#### **Not Debatable.**

**Rule 77.** Motions to adjourn, to lay on the table, for the previous question, calls for the order of business of the day, and all questions relating to priority of business shall be decided without debate.

#### **Division of Questions.**

**Rule 78.** Any member may have, as a personal right, a division of the question where the sense will admit of it. When the question having been divided is a Senate Bill for Third Reading, each part of the bill shall be voted upon separately and a subsequent separate vote shall be taken on the entire bill.

#### **Indefinite Postponement.**

**Rule 79.** When a question is postponed indefinitely, the same shall not be acted upon again during the session.

#### **Question Laid on Table-How Taken Up.**



**Rule 80.** When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds of the members present.

### **MOTION TO RECONSIDER**

#### **Motion to Reconsider Must be Made**

**In Three Days.**

**Rule 81.** When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its final passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.

#### **Procedure for Motion to Reconsider.**

**Rule 82.** A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other business. Any motion to reconsider having failed once shall not be considered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.

### **DECORUM AND DEBATE**

#### **On Speaking.**

**Rule 83.** When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker." The member shall confine himself/herself to the questions under debate and avoid personality. If any member violates the rules of the House the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case without debate.

#### **Appeals.**

**Rule 84.** If there is no appeal, the decision of the Chair is final. If the decision is in favor of the member called to order he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.

#### **Member to Rise; When Two or More Rise.**

**Rule 85.** The Speaker shall not recognize any member desiring to speak unless such member arises at his/her desk. When two or more members rise at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.

#### **Member May Speak-How Often.**

**Rule 86.** No member shall speak more than twice on the same question without leave of the House, nor more than once until any other member desiring to speak has spoken. Except when reporting a bill or resolution from a committee, no member may speak, interrogate or inquire for more than fifteen minutes unless by unanimous consent of the House.

#### **No Member Shall Name Another Member in Debate.**

**Rule 87.** No member shall name another member in debate, but shall refer to the member by district number or by county.

#### **Members Not To Use Profanity.**

**Rule 87.5.** No member may use profanity either while speaking on the floor or while in committee.

**Members Not to Walk Across the House-When.**

**Rule 88.** While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Chair. No member shall walk between two members who are engaged in debate or inquiries in the hall of the House.

**Order of Questions.**

**Rule 89.** All questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 73.

**Voting.**

**Rule 90.** Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present in the chamber when the vote was taken. Nothing herein contained shall prohibit a member from voting "Present" on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost.

**Verification of the Roll;**

**Members Not to Interrupt Calling of Ayes and Noes; Changing Vote.**

**Rule 91.** No member shall be permitted to interrupt a roll call and no member shall be allowed to vote or to change his/her vote (except to have his/her vote correctly recorded) after a verification is begun or after the final vote is announced.

**Demand for Verification.**

**Rule 92.** Any five members may demand a verification of the roll if such demand is made before the vote is announced.

**Bell to Signal Beginning and End of Vote.**

**Rule 93.** At a reasonable time prior to the beginning of taking the ayes and noes by electric roll call on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.

**Reference to Electric Roll Call System**

**to be Understood.**

**Rule 94.** In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes and noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electric roll call system. There shall be a taking of the vote by electric roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in cases of quorum calls.

**Dress Code.**

**Rule 95.** At all times when the House is seated, proper attire for gentlemen shall be coat and tie. Proper attire for women shall be dresses, skirts or slacks worn with a blazer or sweater. This rule shall apply to all members on the floor of the House and lower gallery.

### **Eating, Smoking, and Other Distractive Activities.**

**Rule 96.** No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in Session. Smoking is prohibited in the House Chambers, upper and lower galleries, except members may smoke in the East Gallery.

### **Ascending the Dais.**

**Rule 97.** No person shall ascend the Dais without first being recognized to do so by the Speaker.

## **INTERIM PROCEDURE**

### **Bills-End of First Regular Session.**

**Rule 98.** (a) *To be Laid Upon Speaker/President's Desk; When Re-referred.* All House Bills or House joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate bills and joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro-Tem's desk. House bills and joint resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years.

(b) *When Rule May be Suspended.* This rule may only be suspended by a vote of two-thirds of the elected members of the House.

### **Bills-Pre-Filing.**

**Rule 99.** A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the filing period preceding a regular session of the general assembly in odd-numbered years, the Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the general assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that general assembly.

### **Interim Committees.**

**Rule 100.** All standing committees named during the first regular session of a general assembly may meet to consider bills or to perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the standing committee, to act in the place of the standing committee during the interim. Members of each of the committees, or any subcommittee thereof, shall be reimbursed from the contingent fund of the House for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee if approved by the Speaker.

## **CALL OF THE HOUSE**

### **Names of Absentees to be Called.**

**Rule 101.** A call of the House may be made at any time on motion seconded by ten members and sustained by a majority of those present; (names of members may be called orally or by electric roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.

### **Absent Members May Be Sent For.**

**Rule 102.** Upon the call of the House, the names of those members present shall be recorded and the absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.

**Prohibited While Electric Voting System Open.**

**Rule 103.** No call of the House shall be made after the Speaker has directed the clerk to open the electric voting device to record the names of the members and until the vote be announced.

**Majority Not Under Arrest May Censure and Fine**

**Delinquent Members.**

**Rule 104.** The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.

**Release from Custody.**

**Rule 105.** When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.

**COMMITTEE OF WHOLE HOUSE**

**When Permitted.**

**Rule 106.** On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.

**Chairman Appointed by Speaker.**

**Rule 107.** In forming a Committee of the Whole House, the Speaker shall leave his/her chair, and a Chairman preside in the Committee, who shall be appointed by the Speaker.

**Procedure Upon Bills.**

**Rule 108.** Upon a bill being committed to a Committee of the Whole House, the same shall first be read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.

**Amendment to Motion Must be Incorporated in Original Motion.**

**Rule 109.** All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.

**Amendment Shall be Noted.**



**Rule 110.** All amendments made to reports, resolutions or other matters committed to a Committee of the Whole House shall be noted and reported, as in case of bills.

#### **Rules of Proceedings.**

**Rule 111.** Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.

#### **Quorum.**

**Rule 112.** A majority of the members elected shall be a quorum to do business; and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.

#### **ADMISSION TO HALL**

##### **Definitions.**

**Rule 113.** The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the Hall shall be known as the upper gallery.

##### **Admission to House Floor.**

**Rule 114.** No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders and Chairman of the Budget Committee. Other persons may be admitted to the floor and East Gallery with the consent of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.

##### **Admission to Lower Gallery.**

**Rule 115.** No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the House, Joint Committee Staff, the Governor, the Lieutenant Governor, Secretary of State, the State Auditor, the State Treasurer, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Courts of Appeals or Circuit Courts, Attorney General, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization, and physically disabled persons. No official except current members of the General Assembly otherwise allowed to the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the chair upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.

##### **Admission to Upper Gallery.**

**Rule 116.** The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the press having valid credentials issued by the Speaker. The upper rear gallery shall be reserved for special guests of members of the House admitted by personal pass issued by any member. The upper side galleries shall be open to the public. There shall be no smoking in the upper rear or upper side galleries.

##### **Privileges of Former Members.**

**Rule 117.** Former members of either House of the General Assembly employed as legislative counsel or agents shall enjoy only such privileges as are under these rules accorded to other legislative counsel and agents.

##### **Permission Required for Electronic Devices.**

**Rule 118.** Tape recorders, portable phones, video equipment, television equipment, photography equipment, and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House Chambers unless permission has been granted from the Chair. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized, unless any other member objects to the noise created or generated by any such laptop computer in which case the Chair may rule on whether or not any specific laptop computer shall be removed from the House floor.

## **RULES**

### **May be Rescinded or Amended-How.**

**Rule 119.** Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution.

### **May Be Dispensed With.**

**Rule 120.** Rules 81 and 82 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds of the elected members concur therein. No other standing rule or order of the House shall be dispensed with, except by unanimous consent or unless a constitutional majority concur therein and motions for that purpose shall be limited to the question or proposition under consideration.

### **Jefferson's Manual.**

**Rule 121.** The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules and Practice of the House of Representatives of the United States, 97th Congress", and all extensions and amendments thereto as annotated and revised by Cannon and Deschler, shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Office of the Chief Clerk, the Speaker, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader, and the Assistant Minority Floor Leader will make available copies of these documents in his/her office to any member who so requests. The documents shall be purchased by the House and shall be the property of the House and not of the individual holding the office. The Manual and Digest of the rules and practice, above referred to, shall be taken as authority in deciding questions not otherwise provided for in these rules.

## **REFERRAL OF HOUSE RESOLUTION**

House Resolution No. 5 was referred to the Committee on Rules, Joint Rules and Bills Perfected and Printed.

## **HOUSE CONCURRENT RESOLUTIONS**

Representative Crump offered House Concurrent Resolution No. 1.

### **HOUSE CONCURRENT RESOLUTION NO. 1**

BE IT RESOLVED, by the House of Representatives of the Ninetieth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 13, 1999, to receive a message from His Honor Duane Benton, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninetieth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

On motion of Representative Crump, Rule 63 was suspended and House Concurrent Resolution No. 1 was adopted by the

following vote:

AYES: 154

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus May 108 Mays 50 McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton 57  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Tudor Van Zandt Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Lograsso Marble McBride Richardson Troupe

Vogel Wiggins

VACANCIES: 001

Representative Crump offered House Concurrent Resolution No. 2.

#### HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninetieth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 20, 1999, to receive a message from His Excellency, the Honorable Mel Carnahan, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninetieth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Crump, Rule 63 was suspended and House Concurrent Resolution No. 2 was adopted by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor



Purgason Ransdall Reid Reinhart Relford  
Reynolds Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton 57 Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Hohulin Kasten Lograsso Marble Richardson  
Troupe Vogel

VACANCIES: 001

## **RESOLUTIONS**

Representative Crump offered House Resolution No. 6.

### **HOUSE RESOLUTION NO. 6**

WHEREAS, the members of the Missouri House of Representatives take great pride in recognizing those outstanding public servants who have consistently performed their official duties with the highest degree of dedication, competence, and integrity; and

WHEREAS, the Honorable Rebecca McDowell Cook is to be praised and commended for the conscientious and effective manner in which she has performed her duty of presiding over the deliberation of the House of Representatives prior to its temporary organization, one of the numerous responsibilities of the Secretary of State pursuant to the Constitution of the Great State of Missouri; and

WHEREAS, since taking the oath of office on December 16, 1994, the Honorable Rebecca Cook has distinguished herself through tireless commitment to each and every one of her responsibilities as Secretary of State; and

WHEREAS, the first Cape Girardeau County native to hold statewide office in Missouri in 93 years, Rebecca Cook enjoys the honor of serving as Missouri's 36<sup>th</sup> Secretary of State; and

WHEREAS, during her illustrious tenure in office, Rebecca Cook has focused on increasing participation in the elections process with various projects such as First Vote, a program encouraging high school seniors to register and begin a lifetime of voting as responsible citizens; and

WHEREAS, Rebecca Cook has initiated such impressive projects as the implementation of a centralized voter registration system, expanding the use of technology in libraries across the state, helping older Missourians avoid investment fraud, and encouraging voter participation:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously in expressing sincere appreciation and deep gratitude to the Honorable Rebecca Cook for the proud and faithful manner in which she has served this legislative body and in wishing her only the best in her continuing

endeavors to meet the needs of Missouri's citizens by providing them with the finest quality of service and information available through the office of the Secretary of State; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Rebecca McDowell Cook, as a mark of our esteem for her.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 6 was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Clayton Cooper Crawford Crump Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Purgason Ransdall Reid Reinhart Relford

Reynolds Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton 57 Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Treadway Tudor Van Zandt Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 005

Backer Cierpiot Evans Pouche Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel 42 Hohulin Lograsso Marble Pryor

Richardson Rizzo Thompson 37 Troupe Vogel

VACANCIES: 001

Representative Crump offered House Resolution No. 7.

#### HOUSE RESOLUTION NO. 7

WHEREAS, as the Ninetieth General Assembly of the State of Missouri convenes on Wednesday, January 6, 1999, the members of the Missouri House of Representatives proudly acknowledge services rendered to the General Assembly by distinguished public servants of this fair state; and

WHEREAS, the Honorable Duane Benton, Chief Justice of the Supreme Court of Missouri, deserves countless words of praise and commendation for the selfless manner in which he has given of his valuable time to administer the oath of office to members of this legislative body in accordance with Missouri law; and

WHEREAS, during the inaugural session of the House of Representatives, Justice Benton displayed the highest degree of dedication in continuing the long-established tradition of rendering a sense of both dignity and solemnity in the prestigious ceremony which marks the official beginning of each legislator's two-year term in office as an elected representative of the people of Missouri; and

WHEREAS, since his appointment to the Supreme Court in August, 1991, Judge Benton has worked tirelessly to help maintain open lines of communication between the judicial and legislative branches of Missouri state government so that each may be informed of the role of the other in serving all citizens; and

WHEREAS, it is entirely fitting and proper that this legislative body should take pause to applaud the numerous laudable achievements of the Honorable Duane Benton during his exemplary legal career:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously in expressing our most sincere thanks and deepest appreciation to the Honorable Duane Benton for the devoted and faithful manner in which he has served this body and further extend our very best wishes for continued great success and even more outstanding accomplishments in executing his numerous varied duties and responsibilities as Chief Justice of our State's Highest Court; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Duane Benton, as a mark of our esteem for him.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 7 was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton 57  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Tudor Van Zandt Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Backer

ABSENT WITH LEAVE: 011

Daniel 42 George Hohulin Lograsso Luetkemeyer  
Marble McKenna Richardson Troupe Vogel  
Wagner

VACANCIES: 001

Representative Campbell offered House Resolution No. 8.  
Representative Linton offered House Resolution No. 9.  
Representative Smith offered House Resolution No. 10.  
Representative Kasten offered House Resolution No. 11.



Representative Patek offered House Resolution No. 12.

Representative Williams (121) offered House Resolution No. 13.

Representative Gaw offered House Resolution No. 14.

Representative Hartzler (124) offered House Resolution No. 15.

#### **OATH OF OFFICE**

Representative Charles D. Nordwald advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Steve Gaw, Speaker of the House.

#### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has offered and adopted the following resolution:

#### **SENATE RESOLUTION NO. 2**

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninetieth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem Edward E. Quick

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Lester S. Marcum

Doorkeeper Ken Holman

#### **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 1**, introduced by Representative Green, relating to the judiciary.

**HJR 2**, introduced by Representative Long, relating to the general assembly.

**HJR 3**, introduced by Representatives Campbell and Backer, relating to education.

**HJR 4**, introduced by Representative Graham (24), relating to compensation of state elected officials.

**HJR 5**, introduced by Representatives Barry, Treadway and Hendrickson, et al, relating to school district bond elections.

**HJR 6**, introduced by Representative Parker, relating to the right to keep and bear arms.

**HJR 7**, introduced by Representative Treadway, relating to real property.

**HJR 8**, introduced by Representative Cierpiot, et al, relating to terms of state elected officers.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 26**, introduced by Representatives Luetkenhaus and Kissell, relating to the death penalty.

**HB 27**, introduced by Representative Luetkenhaus, relating to the teachers' and educational employees' memorial scholarship.

**HB 28**, introduced by Representative Griesheimer, relating to the division of liquor control.

**HB 29**, introduced by Representative Reynolds, relating to tax deductions for certain educational expenses.

**HB 30**, introduced by Representatives Dougherty and Boucher, relating to the establishment of caseload standards for certain employees of the department of social services.

**HB 31**, introduced by Representative Dougherty, relating to the rights of mothers who are breast feeding their infants.

**HB 32**, introduced by Representative Dougherty, relating to motor vehicles.

**HB 33**, introduced by Representative Dougherty, relating to public school personnel.

**HB 34**, introduced by Representative Auer, relating to certain insurance for political subdivisions.

**HB 35**, introduced by Representative Campbell, relating to the Kansas City convention and tourism tax.

**HB 36**, introduced by Representative Marble, relating to public safety offenses.

**HB 37**, introduced by Representative Marble, relating to school funds.

**HB 38**, introduced by Representative Dougherty, relating to the committee on legislative research.

**HB 39**, introduced by Representative Dougherty, relating to inspections for lead hazard.

**HB 40**, introduced by Representative Chrismer, et al, relating to abortion.

**HB 41**, introduced by Representative Treadway, relating to defining and regulating gambling and gambling devices.

**HB 42**, introduced by Representative Seigfreid, relating to cost of medical examinations of crime victims.

**HB 43**, introduced by Representative Pouche, relating to boards of equalization.

**HB 44**, introduced by Representative Pouche, relating to the budget stabilization fund.

**HB 45**, introduced by Representative Pouche, relating to protective orders.

**HB 46**, introduced by Representative Bonner, relating to child molestation in the first degree.

**HB 47**, introduced by Representative Bonner, relating to property taxation.

**HB 48**, introduced by Representative Bonner, relating to drivers' licenses.

**HB 49**, introduced by Representatives Hartzler (124) and Koller, et al, relating to motor vehicles.

**HB 50**, introduced by Representatives Hartzler (124) and Koller, et al, relating to motor vehicles.

**HB 51**, introduced by Representative Gaskill, relating to the defense of the flag.

**HB 52**, introduced by Representatives Scheve and McClelland, relating to home improvement loans for senior citizens.

**HB 53**, introduced by Representatives Scheve and McClelland, relating to the creation of the senior environmental corps.

**HB 54**, introduced by Representative Boucher, relating to school districts.

**HB 55**, introduced by Representative Boucher, relating to motor vehicles.

**HB 56**, introduced by Representative Boucher, relating to the visually impaired.

**HB 58**, introduced by Representative Treadway, relating to petroleum storage tanks.

**HB 59**, introduced by Representatives Boucher, Skaggs and Ransdall, relating to income taxation.

**HB 60**, introduced by Representative Relford, et al, relating to license plates.

**HB 61**, introduced by Representative Relford, relating to liens of hospitals.

**HB 62**, introduced by Representative Seigfreid, relating to identity theft.

**HB 63**, introduced by Representative Relford, relating to assaults in correctional institutions.

**HB 64**, introduced by Representative Long, relating to aid to the blind.

**HB 65**, introduced by Representatives O'Toole and May (108), relating to certain police and firemen retirement benefits.

**HB 66**, introduced by Representatives Ransdall and Crump, relating to licensing of motor vehicles.

**HB 67**, introduced by Representative Ransdall, relating to state purchasing.

**HB 68**, introduced by Representative Ransdall, relating to motor vehicles.

**HB 69**, introduced by Representative Elliott, relating to stealing.

**HB 70**, introduced by Representative Elliott, relating to natural resources.

**HB 71**, introduced by Representative Elliott, relating to medical treatment facility licenses.

**HB 72**, introduced by Representative Smith, relating to podiatrists.

**HB 73**, introduced by Representative Smith, relating to stealing.

**HB 74**, introduced by Representative Smith, relating to motor vehicles.

**HB 75**, introduced by Representative Smith, relating to driver's licenses.

**HB 76**, introduced by Representative Smith, relating to trustee's powers.

**HB 77**, introduced by Representatives Smith and Relford, relating to alcohol-related crimes.

**HB 78**, introduced by Representative Williams (121), relating to watercraft regulation.

**HB 79**, introduced by Representatives Ransdall and Gaw, relating to animal fighting.

**HB 80**, introduced by Representative Green, relating to liquor control law.

**HB 81**, introduced by Representative Smith, relating to environmental protection.

**HB 82**, introduced by Representative Clayton, relating to conditions of probation.

**HB 83**, introduced by Representative Clayton, relating to the public school retirement system.

**HB 84**, introduced by Representative Clayton, relating to benefits for certain retired state employees.

**HB 85**, introduced by Representative Troupe, relating to criminal assault.

**HB 86**, introduced by Representative Troupe, relating to department of corrections.

**HB 87**, introduced by Representative Troupe, relating to health insurance coverage for contraceptives.

**HB 88**, introduced by Representative Troupe, relating to department of corrections.

**HB 89**, introduced by Representatives Troupe, Monaco and Boucher, relating to the welfare to work protection act.

**HB 90**, introduced by Representative Luetkenhaus, relating to funding for public schools.

**HB 91**, introduced by Representative Mays (50), relating to the purchase of new motor vehicles.

**HB 92**, introduced by Representative Rizzo, relating to a pharmacy assistance program for the elderly.

**HB 93**, introduced by Representative Rizzo, relating to tax relief for the elderly.

**HB 94**, introduced by Representative Clayton, relating to controlled substances.

**HB 95**, introduced by Representative Ballard, relating to the registration of certain offenders.

**HB 96**, introduced by Representatives Barry and Kennedy, et al, relating to insurance coverage for mastectomy.

**HB 97**, introduced by Representative Long, relating to county government.

**HB 98**, introduced by Representative Long, relating to certain expenditures of public funds.

**HB 99**, introduced by Representative Long, relating to confidential records.

**HB 100**, introduced by Representative Troupe, relating to contributions by the state for the detention of juveniles.

**HB 101**, introduced by Representative Troupe, relating to health care services.

**HB 102**, introduced by Representative Troupe, relating to certain money appropriated by the general assembly.

**HB 103**, introduced by Representative Treadway, relating to nuisance property.

**HB 104**, introduced by Representative Treadway, relating to the retirement of judges.

**HB 105**, introduced by Representative Scheve, relating to organ donation awareness programs.

**HB 106**, introduced by Representative Luetkenhaus, relating to the registration of certain offenders.

**HB 107**, introduced by Representatives Days and Foley, relating to water service lines in certain counties.



**HB 108**, introduced by Representatives Backer and Barry, relating to nurses.

**HB 109**, introduced by Representative Graham (24), relating to sheltered workshops.

**HB 110**, introduced by Representative Graham (24), relating to license plates.

**HB 111**, introduced by Representative Graham (24), relating to restitution.

**HB 112**, introduced by Representative Graham (24), relating to recording telephone conversations.

**HB 113**, introduced by Representative Crump, relating to child protection and reformation.

**HB 114**, introduced by Representative Barry, relating to tax credit for contributions to maternity homes.

**HB 115**, introduced by Representatives Kreider, Liese, Ostmann and Williams (121), et al, relating to tax relief for expenditures of small businesses for ADA improvements.

**HB 116**, introduced by Representatives Kreider, Hohulin, Liese, Howerton and Lawson, et al, relating to tax credits for child care.

**HB 117**, introduced by Representatives Kreider and Davis, et al, relating to first degree murder.

**HB 118**, introduced by Representatives Kreider, Gambaro, Lawson, Hilgemann and Kissell, et al, relating to property taxation.

**HB 119**, introduced by Representative Kreider, et al, relating to an income tax credit.

**HB 120**, introduced by Representatives Kreider, Lawson and Thompson (72), et al, relating to income taxation.

**HB 121**, introduced by Representative Gaskill, relating to an income tax credit.

**HB 122**, introduced by Representative Gaskill, relating to income taxation.

**HB 123**, introduced by Representative Gaskill, relating to the adoption of common law.

**HB 124**, introduced by Representative Gaskill, relating to certain crimes involving alcohol.

**HB 125**, introduced by Representative Gaskill, relating to marriage licenses.

**HB 126**, introduced by Representative Gaskill, relating to the distribution of fines.

**HB 127**, introduced by Representative Gaskill, relating to the state lottery.

**HB 128**, introduced by Representative Gaskill, relating to hospital gowns.

**HB 129**, introduced by Representatives Barry and Backer, relating to disclosing health care information.

**HB 130**, introduced by Representatives Bray and May (108), relating to certain civil actions for discrimination.

**HB 131**, introduced by Representative Bray, relating to employee rights.

**HB 132**, introduced by Representative Bray, relating to certain rights and obligations of employers and employees in causes of action for wrongful discharge.

**HB 133**, introduced by Representative Crump, relating to consent of the state to the acquisition of land by the federal government.

**HB 134**, introduced by Representative Reynolds, relating to elections.

**HB 135**, introduced by Representative Smith, relating to interpreter costs in court cases.

**HB 136**, introduced by Representative Smith, relating to emancipated minors.

**HB 137**, introduced by Representatives Robirds and Townley, et al, relating to animal fighting.

**HB 138**, introduced by Representative Campbell, relating to termination of parental rights.

**HB 139**, introduced by Representative Long, relating to tourism sales taxation.

**HB 140**, introduced by Representative Rizzo, relating to liens for the protection of licensed health practitioners.

**HB 141**, introduced by Representative Rizzo, relating to motor vehicle license plates.

**HB 142**, introduced by Representative Campbell, relating to insurance of real property.

**HB 143**, introduced by Representative Campbell, relating to taxation.

**HB 144**, introduced by Representative Wiggins, relating to an exemption from sales and use tax of broadcast equipment.

**HB 145**, introduced by Representative Wiggins, relating to reports to the state water pollution board.



**HB 146**, introduced by Representative Wiggins, relating to soil and water conservation districts.

**HB 147**, introduced by Representative Green, relating to community improvement.

**HB 148**, introduced by Representatives Ostmann and Luetkenhaus, et al, relating to the death penalty.

**HB 149**, introduced by Representative Ostmann, et al, relating to motor vehicles.

**HB 150**, introduced by Representative Ostmann, et al, relating to orders for disposition or treatment of children in juvenile court.

**HB 151**, introduced by Representatives Ostmann and Luetkenhaus, et al, relating to testimony of a minor child in sexual abuse cases.

**HB 152**, introduced by Representatives Leake, Wiggins, Clayton, Overschmidt and Relford, et al, relating to sustainable agricultural demonstration awards.

**HB 153**, introduced by Representatives Leake, Wiggins, Clayton, Overschmidt and Relford, et al, relating to the ethanol producer incentive fund.

**HB 154**, introduced by Representatives Dougherty and Wiggins, relating to a state vehicle fleet manager.

**HB 155**, introduced by Representative Dougherty, relating to court procedures.

**HB 156**, introduced by Representatives Hartzler (124), Saltee and Kasten, relating to sale of liquor.

**HB 157**, introduced by Representative Marble, relating to license plates for the disabled.

**HB 158**, introduced by Representative Marble, relating to state aid for school districts.

**HB 159**, introduced by Representative Schwab, relating to the state commission of Indian affairs.

**HB 160**, introduced by Representative O'Toole, relating to underground facility safety and damage prevention.

**HB 161**, introduced by Representative Smith, relating to associate circuit judges.

**HB 162**, introduced by Representative Luetkenhaus, relating to unemployment insurance.

**HB 163**, introduced by Representative Smith, relating to county hospital assets.

**HB 164**, introduced by Representatives May (108) and O'Toole, et al, relating to motor vehicle driver's licenses.

**HB 165**, introduced by Representative May (108), relating to criminal code definitions.

**HB 166**, introduced by Representatives McLuckie and May (108), et al, relating to good faith employee negotiation.

**HB 167**, introduced by Representatives Bray and McLuckie, relating to credit card fraud.

**HB 168**, introduced by Representative Bray, relating to teachers of the public schools.

**HB 169**, introduced by Representative Treadway, relating to chiropractors.

**HB 170**, introduced by Representative Graham (24), relating to services for the elderly.

**HB 171**, introduced by Representative Van Zandt, relating to government contracts for the examination of taxpayers' records.

**HB 172**, introduced by Representative Robirds, et al, relating to taxation of military pensions.

**HB 173**, introduced by Representative Robirds, et al, relating to motor vehicle safety inspections.

**HB 174**, introduced by Representative Liese, relating to watercraft regulation.

**HB 175**, introduced by Representative Treadway, relating to professional counselors.

**HB 176**, introduced by Representatives Lograsso, Berkstresser and Bartle, et al, relating to individual income tax rates for Missouri residents.

**HB 177**, introduced by Representative Bray, relating to designation of scenic byways.

**HB 178**, introduced by Representatives Rizzo and Lakin, relating to public safety.

**HB 179**, introduced by Representative Gross, et al, relating to property taxation.

**HB 180**, introduced by Representative Hoppe, relating to the creation of a drycleaning solvent cleanup fund.

**HB 181**, introduced by Representative Kennedy, relating to registration and licensing of motor vehicles.

**HB 182**, introduced by Representative Pouche, relating to campaign disclosure reports.

**HB 183**, introduced by Representative Pouche, relating to the transfer of concealable firearms.

**HB 184**, introduced by Representatives Lograsso, Naeger, Ridgeway, Howerton, et al, relating to motor vehicles.

**HB 185**, introduced by Representative Lakin, relating to drivers' licenses.

**HB 186**, introduced by Representative Ladd Stokan, relating to an employee information system.

**HB 187**, introduced by Representatives Ladd Stokan, Kelley (47) and Kennedy, relating to creating a shared care program in the division of aging for the care of the elderly.

**HB 188**, introduced by Representative Ladd Stokan, relating to community improvement.

**HB 189**, introduced by Representatives Dougherty and Riback Wilson, et al, relating to insurance discrimination for domestic violence.

**HB 190**, introduced by Representative Dougherty, et al, relating to genetic information and testing for insurance purposes.

**HB 191**, introduced by Representative Dougherty, et al, relating to insurance coverage for cancer early detection.

**HB 192**, introduced by Representatives Davis (122), Relford and McClelland, et al, relating to telemarketing practices.

**HB 193**, introduced by Representative Gaskill, relating to transfers of school funds.

**HB 194**, introduced by Representative Reynolds, relating to tanning facilities.

**HB 195**, introduced by Representative Barry, et al, relating to open referral health plans.

**HB 196**, introduced by Representatives Barry, Ridgeway and Murray, et al, relating to banning partial birth abortions.

**HB 197**, introduced by Representatives Barry and Hollingsworth, relating to the regulation of certain medical personnel.

**HB 198**, introduced by Representative Barry, relating to absentee ballots.

**HB 199**, introduced by Representatives Ridgeway and May (108), relating to dissolution of marriage.

**HB 200**, introduced by Representatives Troupe, Boucher, Gunn, Daniels (41), Ford, Davis (63) and Days, et al, relating to the office of corrections ombudsman.

**HB 201**, introduced by Representative Boucher, relating to the advisory assistive technology council.

**HB 203**, introduced by Representatives Gross and Barry, relating to the regulation of the sale of bedding.

**HB 204**, introduced by Representative Riback Wilson, relating to the division of mental retardation and developmental disabilities.

**HB 205**, introduced by Representatives Campbell and Skaggs, relating to apprehension of fugitives.

**HB 206**, introduced by Representative Schwab, relating to jury costs in civil cases.

**HB 207**, introduced by Representative Parker, relating to death certificates.

**HB 208**, introduced by Representative Parker, relating to traffic regulations.

**HB 209**, introduced by Representative Parker, relating to the forty-second judicial circuit.

**HB 210**, introduced by Representative Parker, relating to drivers' licenses.

**HB 211**, introduced by Representatives Dolan, Ostmann and Luetkenhaus, relating to bad checks.

**HB 212**, introduced by Representative Parker, relating to organ donation awareness programs.

**HB 213**, introduced by Representative Parker, relating to school board elections.

**HB 214**, introduced by Representative Parker, relating to an income tax credit.

**HB 215**, introduced by Representative Parker, relating to sales taxes.

**HB 216**, introduced by Representative Parker, relating to disposal of sewage.

**HB 217**, introduced by Representative Parker, relating to enforcement of support law.

**HB 218**, introduced by Representative Parker, relating to sales and use taxation.

**HB 219**, introduced by Representative Ford, relating to the bottle deposit and recycling program.

**HB 220**, introduced by Representative Gibbons, relating to the corporate franchise tax.

**HB 221**, introduced by Representatives May (108) and Ridgeway, relating to termination of parental rights.

**HB 222**, introduced by Representatives May (108) and Ridgeway, relating to termination of parental rights.

**HB 223**, introduced by Representative Auer, relating to a police retirement system in a certain city.

**HB 224**, introduced by Representative Treadway, relating to defining amusement devices.

**HB 225**, introduced by Representative Treadway, relating to health insurance.

**HB 226**, introduced by Representatives Reinhart, Ridgeway and Secrest, et al, relating to forfeiture of retirement benefits by certain public officials.

**HB 227**, introduced by Representatives Farnen, Graham (24), Schilling, Harlan and Summers, relating to sales and use tax exemptions on college textbook sales.

**HB 228**, introduced by Representative Clayton, relating to the regulation of the occupation of setup contractor for the manufactured housing industry.

**HB 229**, introduced by Representative Barry, relating to tuberculosis.

**HB 230**, introduced by Representative Days, relating to Lincoln University.

**HB 231**, introduced by Representative Cierpiot, et al, relating to the date on which the motor fuel tax is reduced six cents.

**HB 232**, introduced by Representatives Cierpiot, Secrest, Enz, Bartelsmeyer, Reinhart, Hartzler (124), and Berkstresser, et al, relating to abortion.

**HB 233**, introduced by Representatives Levin and Secrest, et al, relating to income taxation.

**HB 234**, introduced by Representatives Levin and Secrest, et al, relating to income taxation.

**HB 235**, introduced by Representatives Levin and Secrest, et al, relating to tax relief for health related expenditures.

**HB 236**, introduced by Representatives Levin and Secrest, et al, relating to tax relief for health related expenditures.

**HB 237**, introduced by Representatives Levin and Secrest, et al, relating to tax relief for the elderly.

**HB 238**, introduced by Representatives Levin and Secrest, et al, relating to individual income tax.

**HB 239**, introduced by Representatives Levin and Secrest, et al, relating to income tax.

**HB 240**, introduced by Representatives Levin and Secrest, et al, relating to sales tax.

**HB 241**, introduced by Representatives Levin and Secrest, et al, relating to income taxation.

**HB 242**, introduced by Representative May (108), relating to civil procedure.

**HB 243**, introduced by Representatives May (108) and Monaco, relating to sovereign immunity.

**HB 244**, introduced by Representative Graham (24), relating to polling places.

**HB 245**, introduced by Representative Bray, relating to limitation of liability for official student publications.

**HB 246**, introduced by Representatives Bray, Kennedy, Auer, McLuckie, Hilgemann and May (108), et al, relating to tax relief in distressed communities.

**HB 247**, introduced by Representative Robirds, et al, relating to the operation of motor vehicles.

**HB 248**, introduced by Representative Kissell, relating to offenses against the administration of justice.

**HB 249**, introduced by Representative Relford, et al, relating to wages for certain peace officers.

**HB 250**, introduced by Representative Dougherty, relating to exceptions to licensure requirements for certain child care facilities.

**HB 251**, introduced by Representative Rizzo, relating to sales tax rebates for qualified film production projects.

**HB 252**, introduced by Representative Dolan, relating to the grandparents as foster parents program.

**HB 253**, introduced by Representative Treadway, relating to condemnation proceedings.

**HB 254**, introduced by Representative Treadway, relating to regulation and licensing of landscape architects.

**HB 255**, introduced by Representative Kennedy, relating to a department of labor and industrial relations administrative fund.

**HB 256**, introduced by Representatives Green and Foster, relating to construction contracts.

**HB 257**, introduced by Representatives Seigfreid and Relford, relating to appearances by the defendant.



**HB 258**, introduced by Representative Luetkenhaus, relating to emergency medical services.

**HB 259**, introduced by Representative Pouche, relating to employer reference immunity.

**HB 260**, introduced by Representative Auer, relating to insurance.

**HB 261**, introduced by Representative Auer, relating to transportation.

**HB 262**, introduced by Representative Auer, relating to land conservation and development.

**HB 263**, introduced by Representative Auer, relating to police retirement systems in certain cities.

**HB 264**, introduced by Representative Ransdall, relating to merchandising practices.

## **ELECTION CONTESTS**

### **IN THE MISSOURI HOUSE OF REPRESENTATIVES**

#### **ELECTION CONTEST, COMPLAINT AGAINST LINDA BARTELSMEYER, AND REQUEST FOR HEARINGS ON MISSOURI ELECTION IRREGULARITIES**

In the matter of Linda Bartelsmeyer and the 132nd District, Missouri House seat.

David Forgy, Contestant, Complainant as joined by others seeking redress.

vs.

Linda Bartelsmeyer, Contestee, Respondent;

Bob Bartelsmeyer, Lawrence County Clerk; Gary Youngblood, Barry County Clerk; Board of State Canvassers, consisting of Rebecca Cook, Thos. Sodergren, and Pat Joyce, additional Respondents.

115.563 RSMo. 1998 provides that all contested elections for the office of state representative shall be heard and determined by the state house of representatives and that further any contest based on the qualifications of a candidate for the office of state representative not adjudicated prior to the general election shall be determined by the state house of representatives.

David Forgy, a registered voter of Lawrence County, Missouri, was a candidate in the 1998 primary for the Republican nomination for the 132nd District Missouri House of Representatives position.

Linda Bartelsmeyer was also the incumbent candidate for the nomination and was declared the winner by her husband, Bob Bartelsmeyer, amidst affidavits and requests by voters for further investigation regarding irregularities in the 1998 Lawrence County, Missouri primary election. Please see exhibit A, attached hereto, an affidavit by Marvalene Pankey regarding her observations in the primary election. Please also see exhibit B, attached hereto, petitions by several citizens asking for further investigation of the Lawrence County primary election.

**THIS MATTER IS BEING BROUGHT BEFORE THE MISSOURI HOUSE OF REPRESENTATIVES AT THIS TIME FOR THE FOLLOWING REASONS.**

1. David Forgy became aware November 14, 1998, of new evidence regarding the ETNet 2.40 software not having been certified for use in Missouri at the time of the primary.
2. It was not until after others reviewed the Lawrence County voter registration list that new evidence surfaced, that David Forgy only became aware of shortly before the filing of this matter, that there are pages of voters in some precincts, who do not have any apparent phone numbers listed in the phone director. It is unlikely there would be entire pages of voters all without listed phone numbers unless the list contains people not eligible to vote, deceased, in prison, actually living elsewhere, etc.
3. Five days after verification of election returns was too short a time to file an election contest and the law was not clear as to whether a court of law or the Missouri House had to consider any contest regarding the primary election.



4. The Missouri House adjourned sine die in May, 1998 and thus will not be in session to consider any election contest until the new session begins on or about January 6, 1999.

Linda Bartelsmeyer is not qualified to be seated in the Missouri House of Representatives because:

1. The 1998 Primary Election returns in Barry and Lawrence Counties were invalid in that Henry Adkins company of Clinton, Missouri, that provided all the election materials has not been valid to do business in Missouri since 1984, having been dissolved by the secretary of state's office for failure to pay franchise taxes. See Exhibit C attached, e mail message from the secretary of state confirming this issue. Missouri law requires any company that uses the term inc. to be recognized as a corporation in the State of Missouri, maintain a registered agent, file annual reports, and in many instances pay franchise taxes, chapter 351 RSMo. Henry M. Adkins company represents to the public that the operation is a corporation, when actually they were dissolved as a corporation 14 years ago.

2. Henry Adkins company provided software for the vote tabulation in Barry and Lawrence Counties (and believed in numerous other counties in Missouri) known as ETNet 2.40, source code from Election Resource Corporation. That software had not been certified for use in Missouri, as required by law, and was not certified by the secretary of state, until September 17, 1998. Please see exhibit D, copy of the numerous changes that had been made in the software and the September 17, 1998 certification.

Primary election night, 1998, Lawrence County clerk, Bob Bartelsmeyer claimed the tabulation equipment had a virus and later Bill Vanderberg, programmer for Henry Adkins, stated there had been a virus in the software. The night of the primary Gary Youngblood, Barry County clerk, travelled with the Barry County tabulation equipment into Lawrence County and claimed to count the votes, but also was supposedly using ETNet 2.40 software. Marvalene Pankey's affidavit regarding the primary points out that she witnessed a large discrepancy in a hand count and the tabulation equipment count for an associate circuit judge's race. (See exhibit A)

3. Linda Bartelsmeyer's husband certified the returns for the primary election without giving notice as to when the verification committee would meet. 115.501 RSMo. 1998 required that notice be given and it is contestant's understanding that no notice was given and it is contestant's understanding that no notice was given and this was done in secret.

4. Voters were not provided a separate ballot for the Republican Party for the primary, as required by law. Adkins company sold the county clerks booklets that contained all the parties. This caused confusion, which was enhanced by the ballot cards that were in theory different colors, actually having two of the minor parties of nearly identical colors. Missouri law requires separate ballots for the political parties in the primary, 115.395 RSMo. 1998.

5. Absentee ballots were not counted in the primary nor the general election in Lawrence county (and believed in Barry County) by hand, as required by Missouri law, 115.299 RSMo. 1998, from L. 1977 H.B. 101, 9.060 A.L. 1993 S.B. 31.

6. Others have pointed out additional irregularities and concerns that should be considered by the Missouri House in any review of this petition. See exhibit E, copy of Marvalene Pankey's election contest being filed with the Missouri Senate; Exhibit F, a statement from Ray Dennison, who observed the Lawrence County tabulation for the 1998 general election; and Exhibit G, statement from Joe Nix, chairperson of the Lawrence County U.S. Taxpayers Party and candidate for Mo. House, 1996, attached.

7. The Secretary of State convened the Board of State Canvassers pursuant to 115.511 RSMo. Supp. 1997 at 4 p.m. November 24, 1998. Section 2 of 115.511 RSMo. requires the Board of State Canvassers to 'total the abstracts' of the general election and make the official announcement of the results. As Marvalene Pankey's affidavit points out, see exhibit H, the Board of State Canvassers only met for about 12 minutes and signed preprinted official results, which were printed 23 hours earlier; see exhibit I, copy of the preprinted official results for the Linda Bartelsmeyer race and certification by the Board of State Canvassers. She also states her own review of 14 Missouri election authority abstracts discovered what appeared to be totally unreviewed returns and numerous errors or irregularities. Until the Board of State Canvassers completes its work Linda Bartelsmeyer is unqualified to be seated in the Missouri House.

8. Linda Bartelsmeyer also should not be seated in the Missouri House of Representatives because she violated Missouri law in having signs for the primary and general election, 1998, that said simply, ELECT BARTELSMEYER, and in tiny print, 'paid for by candidate' . The public could not tell if the signs were for Linda or Bob Bartelsmeyer nor which campaign committee needed to report who paid for the signs. This was deliberate deception upon the public and violated 130.031.8 RSMo. 1998.

This petition is timely in that new evidence was just discovered in the past few days and the general election returns were certified by the Board of State Canvassers on November 24, 1998.

Therefore, David Forgy and as joined by others, including those on the petitions signed after the primary and interested voters and candidates as attached by exhibits, asks the Missouri House to refuse to seat Linda Bartelsmeyer as a member of this body until he can present his proof before a hearing. And that further, in the least, the Missouri House open an investigation into Missouri election irregularities and alleged vote fraud and hold hearings regarding same. The issue is not how many votes anyone is shown as having. The issue is that there were irregularities and probable fraud and not one ballot may have been counted legitimately in Lawrence or Barry County or perhaps in much of Missouri. Irregularities and probable fraud that needs thoroughly reviewed; which anyone who recognizes the importance of the integrity of the election franchise will want to do something about.

/s/ David Forgy, 528 S. Jefferson, Aurora, Mo. 65605,  
417-678-4037

State of Missouri, County of Lawrence

On 12-07-98 before me appeared David Forgy and affirmed the above as his pleading, true to his best knowledge and belief, made on his own free will in the interest of preserving the integrity of elections.

Notary Public

/s/ Mary K. Guin

#### IN THE HOUSE OF REPRESENTATIVES

#### STATE OF MISSOURI

ROBERT L. MAY )

)

Contestant, )

)

v. ) No.

JERRY E. McBRIDE, )

)

Contestee )

#### VERIFIED PETITION FOR CONTEST OF ELECTIONS

The Contestant for his contest of election against the Contestee states:

##### I. Parties and Summary

1. Robert L. May (the Contestant) was the Republican Party candidate for state representative in House District No. 149 in the November 3, 1998, general election.

2. Jerry E. McBride (the Contestee) was the Democratic Party candidate for state representative in the House District No. 149 in the November 3, 1998, general election.

3. Carol A. Bennett is the County Clerk of Phelps County, Missouri. As such, she was the election authority for District No. 149 and District No. 150 in the November 3, 1998 general election. *115.015, RSMo 1994.*

4. This contest of election asks this House of Representatives to declare that there were irregularities of sufficient magnitude to cast doubt on the validity of the election for state representative of House District No. 149 on November 3, 1998, and to order a new election for the contested office. *115.565, RSMo 1994.* The facts will show that the election authority improperly allowed seventy-five voters to cast ballots in House District No. 149 when they reside in House District No. 150. Furthermore, the election authority improperly allowed four voters to cast ballots in House District No. 150 when they reside in House District No. 149. Added together, the number of people who voted in the wrong district is more than twice the margin of victory in the election. Since, according to the official results certified by the Secretary of State, the Contestant lost the election by only thirty-one votes, seventy-nine voters who voted improperly creates irregularities of significant magnitude to cast doubt upon the election.

5. As will be shown below, in 1992 the Reapportionment Commission set the boundaries for House District No. 149. The then city limits of the city of Rolla were in District No. 149 as set by the Reapportionment Commission. In 1998 the city of Rolla annexed certain land south of the city limits. Some of the annexed land had been included in District No. 150 by the Reapportionment Commission. The Phelps County Clerk, without any statutory authority, in contravention of Article III, Section 2 of the Constitution of Missouri, and without notice to the Contestant, altered the boundaries of District No. 149 by moving the annexed land from District No. 150 into District No. 149. Due to this error, seventy-five voters voted in District No. 149 illegally. Furthermore, four voters who live in District No. 149 voted in District No. 150. These disputed seventy-nine votes are over twice the number of votes that decided the election.

## **II. Jurisdiction**

6. The House of Representatives has jurisdiction over this matter pursuant to Sections 115.563 through 115.573 of the Revised Statutes of Missouri.

## **III. Statement of Facts**

7. Article III, Section 2 of the Constitution of Missouri provides for a Reapportionment Commission appointed by the governor to establish the districts of the House of Representatives. Article III, Section 2 provides, in pertinent part:

The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure.

*Mo. Const. Art. III, 2.* Thus the Missouri constitution grants the commission the sole authority to establish the boundaries of the House districts.

8. In 1992, pursuant to Article III, Section 2, of the Constitution of Missouri, the Reapportionment Commission filed with the Secretary of State a final statement of the numbers and the boundaries of the House of Representatives districts together with a map of each of the one hundred sixty-three districts. Included was a map of District No. 149 and District No. 150. True and accurate copies of the map of District No. 149 and District No. 150 filed with the Secretary of State are attached hereto as Exhibit 1.

9. The Secretary of State provided a map of District No. 149 and District No. 150 to the Phelps County Clerk, who maintains said copy in her archives. A true and accurate copy of the map of District No. 149 and District No. 150 maintained by the Phelps County Clerk is attached hereto as Exhibit 2.

10. According to the official map of District No. 149 and District No. 150 (Exhibit 1 hereto), the following two areas are located in the districts as set out in (a) and (b) below:

(a) The area commonly known as the "Line Barnitz/Longview Area" is located in District No. 150. A hand-drawn replica of the relevant area in Exhibit 1 hereto that highlights the Line Barnitz/Longview Area in yellow is attached hereto as Exhibit 3. The boundary line between District No. 149 and District No. 150 is highlighted in pink. At the time of the reapportionment in 1992, the Line Barnitz/Longview Area was not in the city limits of the City of Rolla.

(b) The Dillon South precinct is located partially in District No. 149. The area commonly known as the "Stately Mansions Mobile Home Park" is located in Dillon South precinct in District No. 149. The Dillon South/Stately Mansions Mobile Home Park area has been highlighted in orange in Exhibit 3 hereto.

11. On February 26, 1998, the Contestant filed a valid declaration of candidacy with the secretary of state. A true and accurate copy of the declaration of candidacy is attached hereto as Exhibit 4.

12. Sometime in early March, 1998, the Contestant requested and received a map of District No. 149 from the Phelps County Clerk. A true and accurate copy of the map is attached hereto as Exhibit 5. This map shows that the Line Barnitz/Longview Area is located in District No. 150, the Dillon South Precinct is located partially in District No. 149, and the Stately Mansions Mobile Home Park is located in District No. 149. This map is substantially similar to the official map filed with the secretary of state, Exhibit 1, hereto.

13. On November 26, 1996, the City Council of the City of Rolla, Missouri, passed an ordinance providing for the annexation



into the City certain land south of the then city limits. A true and accurate copy of the Ordinance of November 26, 2996, which includes a legal description of the land sought to be annexed into the city, is attached hereto as Exhibit 6. The Line Barnitz/Longview Area was included in the land sought to be annexed by the City of Rolla.

14. On April 7, 1998, an election was held and the voters approved the annexation described in Exhibit 6 hereto. On June 7, 1998, the annexation of the land described in Exhibit 6 hereto became effective. A true and accurate copy of maps showing the annexation area is attached hereto as Exhibit 7. According to these maps, the Line Barnitz/Longview Area is included within the new city limits of the City of Rolla.

15. Attached hereto as Exhibit 8 is a true and accurate copy of a map of District No. 149 prepared by the Phelps County Clerk sometime after the annexation. This map shows that the Line Barnitz/Longview Area was moved from District No. 150 to District No. 149 after the annexation. This map is different from the map provided earlier by the Phelps County Clerk to the Contestant, Exhibit 5, hereto. The Phelps County Clerk gave no notice to the Contestant that she had changed the boundaries of District No. 149.

16. On November 3, 1998, the general election was held for state representative for District No. 149. Robert L. May was the Republican Party candidate, and Jerry E. McBride was the Democratic Party candidate.

17. The results of the election were 5,179 votes for McBride, 5,150 votes for May, a difference of twenty-nine votes. A true and accurate copy of the official results as reported by the Secretary of State is attached hereto as Exhibit 9.

18. On November 6, 1998, the Contestant became aware that several voters who resided in the Line Barnitz/Longview Area had voted in District No. 149. Shortly thereafter, the Contestant became aware that one voter who resided in the Stately Mansions Trailer Park Area said he had voted in District No. 150.

19. On November 6, 1998, the Contestant filed a request for a recount with the Secretary of State. The Secretary of State asked the Contestant to withdraw the report for recount until the Secretary of State had certified the election. A true and accurate copy of the recount request is attached hereto as Exhibit 10.

20. On November 13, 1998, the Contestant spoke to the Phelps County Clerk about why the boundaries for District No. 149 and District No. 150 had been changed. The Clerk told the Contestant that the Line Barnitz/Longview Area had been annexed into the City of Rolla, and since the City of Rolla before the annexation was entirely in District No. 149, she moved the Line Barnitz/Longview Area from District No. 150 to District No. 149.

21. On or about November 19, 1998, the Contestant spoke with the Phelps County Clerk for a second time. Again, the Contestant asked why the boundaries for District No. 149 and District No. 150 were changed. The Clerk told the Contestant that she moved the boundaries because the Line Barnitz/Longview Area was annexed into the City of Rolla. The Clerk also told the Contestant that it had been done that way in the past and that is what is typically done. The Clerk further told the Contestant that she had done the same thing in the City of St. James when that city had annexed land.

22. On November 24, 1998, the Secretary of State certified the election for state representative for District No. 149. See Exhibit 9, hereto, described above.

23. On November 30, 1998, the Contestant filed a second request for a recount. A true and accurate copy of the second request for recount is attached hereto as Exhibit 11.

24. On December 9, 1998, the Phelps County Clerk announced the results of the recount. A true and accurate copy of the recount results are attached hereto as Exhibit 12. The recount indicated 5,182 for McBride, 5,151 votes for May, a difference of 31 votes.

25. According to voter records provided by the Phelps County Clerk, there are one hundred three registered voters residing in the Line Barnitz/Longview Area. A true and accurate copy of the registered voter list is attached hereto as Exhibit 13. Exhibit 13 was generated from the complete voter records provided by the Phelps County Clerk by identifying all registered voters who reside on the streets in the Line Barnitz/Longview Area as stated on Exhibits 5 and 8 hereto. The registered voters that voted in the November 3, 1998, election have the designation "Y" under the heading "Gen98" on Exhibit 13. A total of seventy-five voters in the Line Barnitz/Longview Area voted in the November 3, 1998, election in District No. 149.

26. However, as shown in Exhibits 1 through 3, voters in the Line Barnitz/Longview Area are located in District No. 150 and were improperly moved by the Phelps County Clerk in violation of Article III, Section 2 of the Constitution of Missouri based upon her inaccurate assumption that annexed areas are to be moved into the District where the city is located. Accordingly,



these seventy-five voters incorrectly voted in the District No. 149 election.

27. According to the voter records provided by the Phelps County Clerk, there are fifty registered voters residing in the Dillon South/Stately Mansions Mobile Home Park Area. A true and accurate copy of the registered voter list is attached hereto as Exhibit 14. The registered voters that voted in the November 3, 1998, election have the designation "Y" under the heading "Gen98" on Exhibit 14. These records show one voter in the Stately Mansions Mobile Home Park who voted in District 150 should have voted in District 149. See page 2 of Exhibit 14, hereto.

28. The records in Exhibit 14 hereto also show that three other voters in the Dillon South Precinct voted in District No. 150 when they should have voted in District 149. It appears from the records that the Phelps county clerk inadvertently placed these three voters in the wrong District as described below:

a. Joshua and Laura McDonald live at the same address. Page 3 of Exhibit 14 shows that the Phelps County Clerk allowed Laura to vote in District No. 149 and Joshua to vote in District No. 150, even though they live at the same address.

b. Dee Anne and Jeffrey Sandquist live in Dillon South precinct, which as noted above, is in District No. 149. However, page 3 of Exhibit 14 shows that they both were allowed to vote in District No. 150.

29. According to the record in Exhibits 13 and 14, a total of seventy-nine voters were improperly placed in the wrong district by the Phelps County Clerk and also were allowed to vote in the wrong district.

30. Missouri statutes allow any candidate who wishes to contest an election for the office of state representative to do so by filing a verified petition with the speaker of the house. *115.565, RSMo 1994*. The House of Representatives has exclusive jurisdiction of the contest. *115.563.1, RSMo 1994*. The House has authority to order the holding of a new election if it "determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election . . ." *115.593, RSMo 1994*.

31. Based upon the facts as set out above, this House of Representatives should order the holding of a new election. Only the Reapportionment Commission has the authority to set the boundaries for districts for the House of Representatives. However, as shown above, the Phelps County Clerk plainly and unambiguously changed the boundaries. See, Exhibits 4 and 8, hereto. The Phelps county Clerk, with no statutory authority and in contravention of the Missouri Constitution, changed the boundary of District No. 149. Furthermore, she did so without any notice to the Contestant, thus depriving him of the opportunity to campaign in this area. Seventy-seven voters from the Line Barnitz/Longview Area cast ballots in the election. Additionally, four other voters in District No. 149 were allowed to vote in District No. 150. Since the Contestant lost by only thirty-one votes, it is clear that the Clerk's errors have materially affected the outcome of the election.

#### **Prayer for Relief**

For the reasons set forth above, the Contestant, Robert L. May, respectfully prays for the following relief:

1. That this House of Representatives order that the November 3, 1998, election for state representative for House District No. 149 be declared void due to voting irregularities.

2. That this House of Representatives order the election authority to conduct a new election for state representative for House District No. 149.

3. Such other and further relief as the House of Representatives deems just and proper.

Respectfully submitted,

HUSCH & EPPENBERGER, LLC

By: /s/ Thomas D. Vaughn

THOMAS D. VAUGHN #20554

TERRY M. JARRETT #45663

235 East High Street

Post Office Box 1251  
Jefferson City, Missouri 65102

Phone: (573) 635-9118

Fax: (573) 635-7854

ATTORNEYS FOR CONTESTANT

#### **VERIFICATION**

State of Missouri )

) SS

County of Cole )

I, Robert L. May, being first duly sworn under oath, do state that the facts in the foregoing Petition for Contest of Election are true to my information, knowledge, and belief.

/s/ Robert L. May

Subscribed and sworn to before me this 23rd day of December, 1998.

/s/ Janet Walz

Notary Public

My Commission expires on March 17, 2002.

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served by hand-delivery to the following parties of record this 23rd day of December, 1998:

Steve Gaw, Speaker

Missouri House of Representatives

Capitol Building, Room 308

Jefferson City, Missouri 65101

Rebecca McDowell Cook

Secretary of State

600 West Main Street

Jefferson City, Missouri 65101

/s/ Thomas D. Vaughn

#### **LETTERS OF RESIGNATION**

December 9, 1998

The Honorable Steve Gaw  
Speaker of the House  
Missouri House of Representatives  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Speaker Gaw:

As you are aware, I will take office at midnight, New Year's Day, January 1, 1999, as Associate Circuit Judge for Scotland County, Missouri. To avoid any conflict, I regretfully must leave my service in the House a few days early, at the end of December. I am submitting my resignation as State Representative for the First District, effective 12:00 a.m., January 1, 1999.

Best wishes for the holiday season, and for a productive legislative session in 1999!

Respectfully,

/s/ Karl DeMarce  
State Representative, District 1

December 28, 1998

Mr. Steve Gaw, Speaker  
House of Representatives  
Room 308A, State Capitol  
Jefferson City, Missouri 65101

Dear Mr. Speaker,

Congratulations on the recent elections. I'm sure you are relieved to have November behind you. As you may have heard, I was successful in my bid for Texas County Prosecutor. Texas County officials are to be sworn in on December 31, 1998, which creates an overlap with my duties as State Representative. I would therefore like to request that you accept my resignation as State Representative for the 147th District as of 12 Noon on December 31, 1998. Please let me know if there is anything else I need to do to make my resignation official.

I thank you for your leadership these past two years, and offer my best wishes for the upcoming session.

Sincerely,

/s/ Doug Gaston  
State Representative 147<sup>th</sup> District

December 18, 1998

Anne C. Walker

Chief Clerk-House Admin.

MO State Capitol - Room 306-C

Jefferson City, MO 65101

Dear Anne:

I currently hold the status of Senator-elect for the 9th Senatorial District. I will become an official member of the Senate, effective December 23, 1998, or upon my swearing in. My resignation from the House will become effective as of midnight December 22, 1998.

It has been a pleasure working with you and your staff in the House. Thank you for assisting my secretary whenever she needed guidance in completing requirements for your office this last session.

May you be blessed this holiday season with peace, joy, and happiness.

Sincerely,

/s/ Mary G. Bland

Senator-elect

9th Senatorial District

#### **WITHDRAWAL OF HOUSE BILLS**

December 23, 1998

Anne C. Walker

Chief Clerk

Room 306-C, State Capitol

Jefferson City, MO 65101

Dear Ms. Walker:

Please withdraw House Bill 57. Thank you for your help in this matter.

Sincerely,

/s/ Representative Bill Boucher

December 30, 1998



Anne C. Walker  
Chief Clerk  
State Capitol, Room 306-C  
Jefferson City, Missouri 65101

Dear Ms. Walker:

I would like to respectfully withdraw House Bill 202 which I filed dealing with public records.

Thank you for your assistance in this matter.

Sincerely,

/s/ James O'Toole  
State Representative, District 68

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, January 7, 1999.

#### **COMMITTEE MEETINGS**

INTERIM COMMITTEE ON SMALL BUSINESS ACCESS TO AFFORDABLE HEALTH INS.

Thursday, January 7, 1999, 9:30 am. Hearing Room 6. Executive Session. Review of draft report.

JOINT INTERIM COMMITTEE ON AGING

Thursday, January 7, 1999. Upon adjournment. Senate Hearing Rooms 2 and 3. Executive Session. Review of draft report.

#### **HOUSE CALENDAR**

SECOND DAY, THURSDAY, JANUARY 7, 1999

#### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 1, through HJR 8

#### **HOUSE BILLS FOR SECOND READING**

HB 26, through HB 56

HB 58, through HB 201

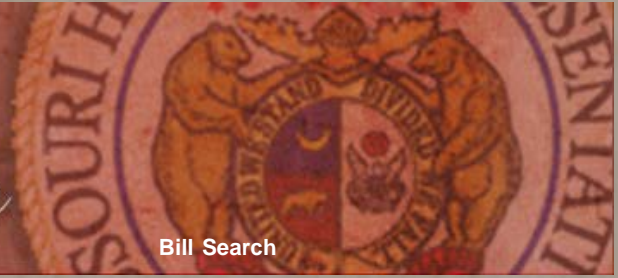
HB 203, through HB 264



Missouri House of Representatives

# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

SECOND DAY, Thursday, January 7, 1999

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Lead a life worthy of your calling...eager to maintain the unity of the Spirit in the bond of peace." (Eph. 4:1-3)

One point made yesterday by Secretary of State Cook struck me. There are 25 new members in the House and altogether then there have been just 6,459 in the state's history.

Gracious God, you know this puts our responsibilities into some perspective. It is even more of a privilege when we see how few have been elected to serve. Make us worthy, merciful God, to uphold the external decorum of the House as we were challenged yesterday, but also to work for whatever change is needed to serve the citizens, ending racial and ethnic rivalry. Bless our efforts to allow more of our young citizens to be saved from a negative life by educating them to their fullest potential from their earliest years. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the first day was approved as corrected by the following vote:

AYES: 160

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton 57 Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Burton Nordwald

VACANCIES: 001

## **RESOLUTIONS**

Representative George offered House Resolution No. 16.

Representative Williams (159) offered House Resolution No. 17.

## **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 1** through **HJR 8** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 26** through **HB 56**, **HB 58** through **HB 201**, and **HB 203** through **HB 264** were read the second time.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 9**, introduced by Representative Riback Wilson, relating to taxation.

**HJR 10**, introduced by Representatives Hosmer and Kreider, et al, relating to education.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 265**, introduced by Representative Smith, relating to podiatrists.

**HB 266**, introduced by Representatives Britt, Parker and Richardson, et al, relating to conditions of probation.

**HB 267**, introduced by Representative Hoppe, relating to nonintoxicating beer.

**HB 268**, introduced by Representatives Crawford, Parker, Seigfreid and Klindt, relating to civil liability of certain emergency telephone service providers.

**HB 269**, introduced by Representative Murray, relating to placement of children.

**HB 270**, introduced by Representatives Hoppe and Smith, relating to the appointment of certain judicial personnel.

**HB 271**, introduced by Representative Clayton, relating to disclosure of information for medical treatment.

**HB 272**, introduced by Representative Treadway, relating to embalmers and funeral directors.

**HB 273**, introduced by Representatives Auer, Troupe and Dougherty, relating to sales and use tax.

**HB 274**, introduced by Representatives May (108), Harlan, Williams (121) and Carter, relating to statute of limitations for actions against health care providers.

**HB 275**, introduced by Representatives May (108) and O'Toole, relating to public administrators.

**HB 276**, introduced by Representative Koller, relating to the removal of abandoned property.

**HB 277**, introduced by Representative Carter, relating to insurance coverage.

**HB 278**, introduced by Representative Carter, relating to sudden infant death.

**HB 279**, introduced by Representative Thompson (72), relating to traffic offenses.

**HB 280**, introduced by Representative Thompson (72), relating to tax credits for gifts of personal property made to persons whose income is below the federal poverty level.

**HB 281**, introduced by Representative Thompson (72), relating to truancy.

**HB 282**, introduced by Representative Clayton, relating to corporate mergers.

**HB 283**, introduced by Representatives Hosmer and Schilling, relating to mental retardation.

**HB 284**, introduced by Representatives Hosmer and Schilling, relating to the probate division commissioner in a certain judicial circuit.

**HB 285**, introduced by Representatives Hosmer, Williams (121) and Schilling, relating to the governing boards of public higher education institutions.

**HB 286**, introduced by Representatives May (108) and Hosmer, relating to dangerous felonies.

**HB 287**, introduced by Representative Champion, et al, relating to detailed base budgeting for state departments .

**HB 288**, introduced by Representative Champion, et al, relating to nonemergency medical transportation programs.

**HB 289**, introduced by Representative Champion, et al, relating to income tax rates.



**HB 290**, introduced by Representative Champion, et al, relating to motor vehicle license plates.

**HB 291**, introduced by Representative Champion, et al, relating to offenses against public order.

**HB 292**, introduced by Representatives Foster and Pouche, et al, relating to motor vehicles.

**HB 293**, introduced by Representative Foster, et al, relating to school board elections.

**HB 294**, introduced by Representative Foster, et al, relating to elections.

**HB 295**, introduced by Representative Reynolds, relating to tax relief.

**HB 296**, introduced by Representative Backer, relating to an income tax credit for dentists who provide dental services to persons eligible to receive Medicaid.

**HB 297**, introduced by Representatives Reinhart, Ridgeway and Pouche, relating to elections.

**HB 298**, introduced by Representative Williams (121), relating to distribution and sale of over-the-counter weight loss pills to minors.

#### **COMMITTEE ASSIGNMENT**

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

**Scheve, May Chair Ballard, Charlie**

**Williams, Marilyn Vice Chair Bartelsmeyer, Linda**

**Britt, Phillip Boatright, Matt**

**Daniel, Lloyd Cooper, Bonnie Sue**

**Fitzwater, Rodger Foster, Bill**

**Kennedy, Harry Graham, Jim**

**Kissell, Don Griesheimer, John**

**McBride, Jerry Hegeman, Dan**

**O'Toole, James McClelland, Emmy**

**Relford, Randall Myers, Peter**

**Thompson, Vernon Townley, Merrill**

**Treadway, Joe**

**Wiggins, Gary**

#### **WITHDRAWAL OF HOUSE BILL**

**January 7, 1999**

**Ms. Anne C. Walker**

**Chief Clerk-House Administration**

**Missouri House of Representatives**

**Capitol Building, Room 306C**

**Jefferson City, MO 65101**

Dear Ms. Walker:

I respectfully request the withdrawal of HB 72, the (Podiatrists) legislation that I recently filed.

Thank you.

Respectfully yours,

/s/ Philip G. Smith

State Representative

District 11

The following member's presence was noted: Representative Burton.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, January 11, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, First Day, Wednesday, January 6, 1999, pages 15 and 16, roll call, by showing Representative Ladd Stokan voting "aye" rather than "absent with leave".

Page 17, roll call, by showing Representative Crawford voting "aye" rather than "absent with leave".

Page 18, roll call, by showing Representatives Boykins and Dougherty voting "aye" rather than "absent with leave".

Page 19, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, January 11, 1999, 12:00 noon. Hearing Room 8. Organizational Meeting.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, January 12, 1999. Upon Adjournment. Hearing Room 8.

Department of Natural Resources.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, January 13, 1999. Upon Adjournment. Hearing Room 8.

Department of Economic Development.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, January 14, 1999. Upon Adjournment. Hearing Room 8 if necessary.

#### INTERIM COMMITTEE ON SOLID WASTE AND RECYCLING

**Wednesday, January 13, 1999, 1:00 pm. Hearing Room 5.**

**To review and approve interim committee report.**

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

**Monday, January 11, 1999. Hearing Room 9 upon adjournment.**

**To be considered - HR 5**

#### **HOUSE CALENDAR**

**THIRD DAY, MONDAY, JANUARY 11, 1999**

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

**HJR 9 and HJR 10**

**HOUSE BILLS FOR SECOND READING**

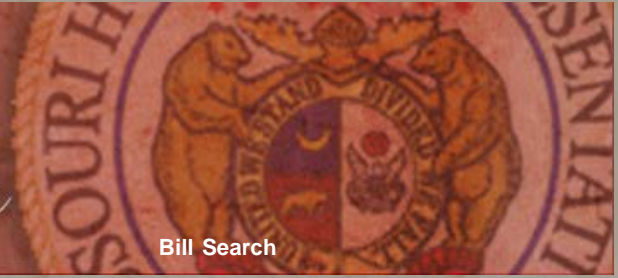
**HB 265 through HB 298**



**Missouri House of Representatives**

# MISSOURI

## House of Representatives



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Representative?

(zip code or zip+4)

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## House Journal

First Regular Session, 90th General Assembly

THIRD DAY, Monday, January 11, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Do what is right and good in the sight of the Lord." (Dt. 6:18)

As we begin this week, we pause to ask a blessing on the State and Nation as we go about our work. The debate about impeachment is stretching our understanding of democracy as we go into uncharted waters. May this be a guide for us as we face new challenges and new ideas in our own lives and political work. We cannot always go back to check precedent, but there are wiser heads we can rely on and some basic principles out of which conclusions can be drawn and decisions made.

Gracious God, guide us, humble us knowing that we are not always in charge, do not have all the answers, but that You can provide them if we search earnestly. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Claire Standridge, Allyson Kate Seaton, Nathan Obermark, Amy Scheve, Christina Ottinger, Saydra Wilson, Rachel Brown and Laura Mitchell.

The Journal of the second day was approved as printed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63



Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schwab  
Scott Secrest Seigfreid Selby Shelton 57  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Hoppe Hosmer Linton Loudon Schilling

Thompson 37 Troupe

VACANCIES: 001

## **RESOLUTIONS**

Representative Ross offered House Resolution No. 18.

Representative Patek offered House Resolution Nos. 19 and 20.

Representative Bartle offered House Resolution Nos. 21, 22 and 23.

Representative Boucher offered House Resolution No. 24.

Representative Pryor offered House Resolution No. 25.

Representative Dougherty offered House Resolution No. 26.

Representative Bartelsmeyer offered House Resolution No. 27.

## **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 9** and **HJR 10** were read the second time.

## **SECOND READING OF HOUSE BILLS**

**HB 265** through **HB 298** were read the second time.

## **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **House Resolution No. 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

## **HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE RESOLUTION NO. 5**

**PROPOSED**

**90<sup>TH</sup> GENERAL ASSEMBLY**

**RULES OF THE HOUSE**



## **ORDER OF THE DAY AND CALENDAR**

**Time of Meeting.**

**Rule 1.** The time of meeting by the House unless otherwise ordered, shall be 10:00 o'clock a.m.

**Order of Business.**

**Rule 2.** The first of each day, after the House is called to order, shall be employed as follows:

(a) Prayer [by the Chaplain].

(b) Pledge of Allegiance to American Flag.

(c) Order of Business:

(i) Reading and approval of the Journal of the previous day's session.

(ii) Introduction and first reading of House Joint Resolutions.

(iii) Introduction and first reading of House Bills.

(iv) Second reading of House Bills and Joint Resolutions.

(v) Reports of standing committees.

(vi) Reports of special committees.

(vii) Bills, reports and other business on the table.

- (viii) House Joint Resolutions to be perfected and printed.
- (ix) House Bills to be perfected and printed.
- (x) Third reading of House Joint Resolutions.
- (xi) Third reading of House Bills.
- (xii) Messages from the Senate.
- (xiii) First reading of Senate Joint Resolutions and Senate Bills.
- (xiv) Second reading of Senate Joint Resolutions and Senate Bills.
- (xv) Third reading of Senate Joint Resolutions.
- (xvi) Third reading of Senate Bills.
- (xvii) Introduction of petitions, memorials, remonstrances and resolutions.
- (xviii) Adoption of petitions, memorials, remonstrances and resolutions.
- (xix) Such other orders of business as deemed necessary pursuant to law.

#### Headings in House Calendar.

Rule 3. There shall be provided on the House calendar the following divisions:

- (a) House Bills for second reading.
- (b) House Joint Resolutions for second reading.
- (c) House Bills to be perfected and printed.
- (d) House Joint Resolutions to be perfected and printed.
- (e) House Appropriation Bills to be perfected and printed.
- (f) House Revision Bills to be perfected and printed.
- (g) House Bills - Federal Mandate to be perfected and printed.
- (h) House Bills to be perfected and printed-laid over informally.
- (i) House Joint Resolutions to be perfected and printed-laid over informally.
- (j) House Appropriation Bills to be perfected and printed-laid over informally.
- (k) House Revision Bills to be perfected and printed- laid over informally.
- (l) House Bills - Federal Mandate to be perfected and printed-laid over informally.
- (m) House Bills to be agreed to and placed upon third reading and final passage.
- (n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.
- (p) House Revision Bills to be agreed to and placed upon third reading and final passage.
- (q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.
- (r) House Bills to be agreed to and placed upon third reading and final passage-laid over informally.
- (s) House Joint Resolutions to be agreed to and placed upon third reading and final passage-laid over informally.
- (t) House Appropriation Bills to be agreed to and placed upon third reading and final passage-laid over informally.
- (u) House Revision Bills to be agreed to and placed upon third reading and final passage-laid over informally.
- (v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage-laid over informally.
- (w) House Bills reported out of committee by consent and placed upon Consent Calendar for Perfection.
- (x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.

- (y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.
- (z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed-laid over informally.
- (aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage-laid over informally.
- (cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.
- (dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage-laid over informally.
- (ee) Senate Bills for second reading.
- (ff) Senate Joint Resolutions for second reading.
- (gg) Senate Bills for third reading and final passage.
- (hh) Senate Joint Resolutions for third reading and final passage.
- (ii) Senate Revision Bills for third reading and final passage.
- (jj) Senate Bills - Federal Mandate for third reading and final passage.
- (kk) Senate Bills for third reading and final passage-laid over informally.
- (ll) Senate Joint Resolutions for third reading and final passage-laid over informally.
- (mm) Senate Revision Bills for third reading and final passage-laid over informally.
- (nn) Senate Bills - Federal Mandate for third reading and final passage-laid over informally.
- (oo) Senate Bills for Third Reading and Final Passage-Consent Calendar.
- (pp) Courtesy Resolutions Calendar.
- (qq) House Resolutions and Concurrent Resolutions Calendar.
- (rr) Senate Concurrent Resolutions Calendar.
- (ss) Bills in Conference.
- (tt) House Bills with Senate Amendments.
- (uu) House Bills taken from Committee, as provided by the Constitution.
- (vv) Such other calendars as deemed necessary pursuant to law.

#### Orders of the Day.

Rule 3.5 Upon recess or adjournment the Majority Floor Leader shall advise the entire membership of the business anticipated to be conducted during the remainder of that legislative day and during the next legislative day.

#### OFFICERS

##### GENERALLY

Election; Oath; Compensation.

Rule 4. The House shall elect the following officers at the commencement of the first regular session of each general assembly: Its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean themselves in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by the



Speaker and receive such compensation as provided by law.

## **SPEAKER**

**Speaker to Call Members to Order.**

Rule 5. The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.

**Parliamentary Rulings;**

**Referral to Parliamentary Committee.**

Rule 6. Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. It shall be the duty of the chair when other than the Speaker or the Speaker Pro Tem to call the Parliamentary Committee at the time the point of order is raised and before any discussion on the point of order takes place. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Leader and the Minority Leader, or their designees.

**Speaker May Speak on Points of Order.**

Rule 7. The Speaker may speak on points of order in preference to other members, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members, points of order but shall address his/her remarks only to the chair.

**Appeal from the Ruling of the Chair.**

Rule 8. Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.

**Speaker Has General Supervision of Hall.**

Rule 9. The Speaker shall have general direction and supervision of the Hall and shall preserve decorum and order in the Hall.

**Speaker Has Supervision over House Employees.**

Rule 10. The Speaker shall have supervision and control over all employees of the House.

**Speaker May Substitute Member to Perform Duties.**

Rule 11. The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.

**Speaker Shall Sign Bills.**

Rule 12. The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Clerk.

**Speaker May Clear the Hall.**

Rule 13. In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared.

#### Manner of Putting Questions.

Rule 14. The Speaker shall rise to state and put questions. Questions shall be in the following form: As many as are in favor (by electric roll call) vote "Aye". As many as are opposed (if by electric roll call) vote "No". (Or if by voice vote say "Aye" or "No.")

#### OTHER OFFICERS

##### Speaker Pro Tem.

Rule 15. The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 11.

##### Chief Clerk.

Rule 16. It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall: prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.

##### Assistant Chief Clerk.

Rule 17. It shall be the duty of the Assistant Chief Clerk to assist the Chief Clerk in performing his/her duties. The Assistant Chief Clerk shall prepare the daily Journal, supervise the staff of the Chief Clerk, discharge the duties of the Chief Clerk in his/her absence and perform such other duties as may be assigned to him/her.

##### Reading Clerk.

Rule 18. The duties of the Reading Clerk shall be to attend the House during its sittings and to read to the House all bills, resolutions and communications, and to perform all such acts as are usually required in connection with his/her office, and said Clerk shall be appointed by the Speaker.

##### Doorkeeper.

Rule 19. It shall be the duty of the Doorkeeper subject to the orders of the Speaker to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the bar except such as are admitted by the rules or orders of the House. He/she shall announce all messages or communications from the Governor or the Senate, and admit the bearer within the bar. He/she shall execute the commands of the Speaker, in relation to his/her duties, and shall obey such other orders as may be made by the House.

##### Sergeant-at-Arms.

Rule 20. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.

##### Chaplain.

Rule 21. It shall be the duty of the Chaplain or a person designated by the Speaker to attend at the commencement of each day's sitting of the House, to open the sessions thereof with prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.

#### **Postmaster.**

**Rule 22.** It shall be the duty of the Postmaster or Postmasters to receive and properly distribute the mail of the members and employees of the House and to perform such other duties as may be required of them. The Postmaster or Postmasters shall be appointed by the Speaker.

#### **Employees.**

**Rule 23.** The House may employ and the Speaker appoint such employees as are necessary and authorized by the Committee on Accounts, Operations and Finance. No person shall be initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.

### **COMMITTEES**

#### **By Whom Appointed; Composition of Membership.**

**Rule 24.** All standing and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and designate the total number of members to serve on each committee, except the minority members of each committee shall be appointed by the Minority Leader, subject to the final approval of the Speaker. The vice-chairman shall preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Majority Whip, the Minority Floor Leader [and], the Assistant Minority Floor Leader and the Minority Whip shall be ex officio members of all committees of the House for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of said Committee. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House.

#### **Kinds Of.**

**Rule 25.** Committees shall be: A Committee of the Whole House, Standing Committees, and Special Committees.

#### **Time of Sitting.**

**Rule 26.** No committee shall sit during the session of the House without leave. Any vote, except a vote to adjourn, taken by a committee sitting without leave during the session of the House shall be void.

#### **Standing Committees Enumerated.**

**Rule 27.** The standing committees of the House shall be as follows:

- 1. Accounts, Operations, and Finance**
- 2. Agri-Business**
- 3. Agriculture**
- 4. Appropriations-General Administration**
- 5. Appropriations-Education and Public Safety**
- 6. Appropriations-Natural and Economic Resources**
- 7. Appropriations-Health and Mental Health**
- 8. Appropriations-Social Services and Corrections**
- 9. Banks and Financial Institutions**
- 10. Budget**

11. Children, Youth and Families
12. Civil and Administrative Law
- 13[12.5]. Criminal Law
- 14[13]. Commerce
- 15[14]. Consumer Protection
- 16[15]. Correctional and State Institutions
- 17[16]. Education-Elementary and Secondary
- 18[17]. Education-Higher
- 19[18]. Elections
- 20[19]. Environment and Energy
- 21[20]. Federal-State Relations and Veterans Affairs
22. Fiscal Review
- 23[22]. Governmental Organization and Review
- 24[23]. Insurance
- 25[24]. Judiciary
- 26[25]. Labor
- 27[26]. Local Government and Related Matters
- [27. Reserved]
28. Miscellaneous Bills & Resolutions
29. Motor Vehicle and Traffic Regulations
30. Municipal Corporations
31. Professional Registration and Licensing
32. Public Health [and Safety]
33. Public Safety and Law Enforcement
- 34[33]. Retirement
- 35[34]. Rules, Joint Rules, and Bills Perfected and Printed
- 36[35]. Critical Issues
- 37[36]. Social Services, Medicaid and the Elderly
- 38[37]. State Parks, Natural Resources and Mining
- 39[38]. Transportation
- 40[39]. Tourism, Recreation and Cultural Affairs
- 41[40]. Urban Affairs
- 42[40.5]. Utilities Regulation
- 43[41]. Ways and Means
- 44[42]. Workers Compensation and Employment Security

The Speaker may appoint such special committees as he/she deems necessary. Any special committee shall have the authority and duties of a standing committee if so designated by the Speaker.

Duties of the Standing Committees.

Rule 28. (1) *Accounts, Operations, and Finance.*



(a) *Duties, generally.* The Committee on accounts, operations and finance shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee Chair, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.

(b) *Funds for operation of members' individual offices.* The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

(c) *Allotment of offices, chamber seats, parking spaces.* Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members, according to seniority within each respective party caucus, except that no member shall be forced to give up his/her offices, chamber seat or parking space that he/she currently occupies. Notwithstanding any provision of this rule to the contrary, the committee may make assignments to House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chairman, and the chairman and ranking minority member of the accounts committee, without respect to the seniority of those members.

(d) *Duties of Chief Clerk in Respect to Committee.* The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee.

The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a monthly basis.

(2) *Agri-Business.* The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.

(3) *Agriculture.* The Committee on Agriculture may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.

(4) *Appropriations-General Administration.* The Committee on Appropriations-General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt, Elected Officials, Office of Administration, the General Assembly, the Department of Revenue, and the Missouri Department of Transportation.

(5) *Appropriations-Education and Public Safety.* The Committee on Appropriations-Education and Public Safety shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education, the Department of Higher Education, the Department of Public Safety and Judiciary.

(6) *Appropriations-Natural and Economic Resources.* The Committee on Appropriations-Natural and Economic Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources, the Department of Economic Development, the Department of Insurance, the Department of Conservation and the Department of Labor and Industrial Relations.

(7) *Appropriations-Health and Mental Health.* The Committee on Appropriations-Health and Mental Health shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and the Department of Mental Health.

(8) *Appropriations-Social Services and Corrections.* The Committee on Appropriations-Social Services and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Social Services and Corrections.

(9) *Banks and Financial Institutions.* The Committee on Banks and Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans and other financial institutions.

(10) *Budget.* [(a) *Duties, generally.*] The Committee on Budget shall have the responsibility of filing all appropriation bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.

[(b) *Bills which reduce net state revenue or increase net state expenditures by \$100,000 or more.* The Committee on Budget shall consider all bills which require new appropriations or net expenditures of state money in excess of \$100,000 or which reduce net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bills. Any such House bill, after having been perfected and ordered printed by the House shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House

for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires new appropriations or net expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House to be truly agreed and finally passed. Any such Senate bill, after having been approved by the regular standing committee to which it was referred, shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any Senate or House bill taken from any standing committee pursuant to the Constitution and House Rule 36 which requires new appropriations or expenditures of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion, be re-referred to the Committee on Budget. The primary sponsor or, in the case of a Senate bill, the floor handler, of a bill referred to the Committee on Budget shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other. For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated.

(c) *Amending effective date onto bills in committee.* The Committee on Budget may, with the consent of the House Sponsor or Floor Handler, amend an effective date onto any bill referred to the Committee.]

(11) *Children, Youth, and Families.* The Committee on Children, Youth and Families may consider, report upon and conduct ongoing study of bills and matters referred to it concerning the problems of children, youth and families including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment and recreation.

(12) *Civil and Administrative Law.* The Committee on Civil and Administrative Law may consider and report upon bills and matters referred to it relating to civil and administrative laws and procedure.

(13)[(12.5)] *Criminal Law.* The Committee on Criminal Law may consider and report upon bills and matters referred to it relating to criminal laws and procedures.

(14)[(13)] *Commerce.* The Committee on Commerce may consider and report upon bills and matters referred to it relating to commerce, industrial growth, expansion and development.

(15)[(14)] *Consumer Protection.* The Committee on Consumer Protection may consider and report upon bills and matters referred to it relating to retail sales and practices, credit unions and consumers.

(16)[(15)] *Correctional and State Institutions.* The Committee on Correctional and State Institutions may consider and report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, the state penitentiary, state hospitals, charitable institutions, and other state properties.

(17)[(16)] *Elementary and Secondary Education.* The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education in this state, including teachers, financing, property, indebtedness and curriculum.

(18)[(17)] *Higher Education.* The Committee on Higher Education may consider and report upon bills and matters referred to it relating to higher education in the state, including teachers, financing, property, indebtedness and curriculum.

(19)[(18)] *Elections.* The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.

(20)[(19)] *Environment and Energy.* The Committee on Environment and Energy may consider and report upon bills and matters referred to it relating to the development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste; recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues.

(21)[(20)] *Federal-State Relations and Veterans Affairs.* The Committee on Federal-State Relations and Veterans Affairs may consider and report upon bills and matters referred to it relating to the relationship between the Federal Government and the State of Missouri, veterans affairs, the promotion and strengthening of states rights and military and naval affairs of the state.

(22) *Fiscal Review.* (a) The Committee on Fiscal Review shall consider any bill which requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective date of the bill. Any such House bill, after having been perfected and ordered printed by the House shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Fiscal Review for its



consideration prior to the bill's submission to the House. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion, be re-referred to the Committee on Fiscal Review. The primary sponsor or, in the case of a Senate bill, the floor handler, of a bill referred to the Committee on Fiscal Review shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other. For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated. The Committee on Fiscal Review may, with the consent of the House Sponsor or Floor Handler, amend an effective date onto any bill referred to the Committee.

(b) The Committee on Fiscal Review shall report on any other bills, including those with unknown fiscal notes, measures or questions referred to it by the Speaker.

(23)[(22)] *Governmental Organization and Review.* The Committee on Governmental Organization and Review may consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and departments of the state and local governments; the public buildings of the state, including the Division of Design and Construction, the Division of Facilities Management, the capitol grounds and the state and legislative library. [The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The committee shall also consider and report on such bills and matters related to the efficiency of government in the state that may be referred to it.]

(24)[(23)] *Insurance.* The Committee on Insurance may consider and report upon bills and matters referred to it relating to insurance and the improvement of insurance laws and the efficiency of the Department of Insurance.

(25)[(24)] *Judiciary.* The Committee on Judiciary may consider and report upon all bills and matters referred to it relating to the judicial branch of the state, the practices and procedures of the courts of this state, and the ethics of public officials.

(26)[(25)] *Labor.* The Committee on Labor may consider and report upon bills and matters referred to it relating to the conditions and interest of labor.

(27)[(26)] *Local Government and Related Matters.* The Committee on Local Government and Related Matters may consider and report upon bills and matters referred to it relating to county courts and local government generally.

[(27) *Reserved.*]

(28) *Miscellaneous Bills and Resolutions.*

(a) *Duties, generally.* The Committee on Miscellaneous Bills and Resolutions may consider and report upon resolutions referred to it and upon any bill which, in the opinion of the Speaker, merits special consideration. [Any resolution introduced between adjournment and December 31st in even and odd numbered years shall be examined by the Chairman of the Committee and he shall have authority to approve, as if passed by a vote of the House, those resolutions which are courtesy resolutions.] Any resolution that is not a courtesy resolution will require action by [the Committee on Miscellaneous Bills and Resolutions and] the House as provided for by the House Rules.

[(b) *Courtesy resolutions.* A courtesy resolution is a resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, sympathy on the death of an individual, congratulations on an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider in the nature of a courtesy resolution.]

(29) *Motor Vehicle and Traffic Regulations.* The Committee on Motor Vehicle and Traffic Regulations may consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.

(30) *Municipal Corporations.* The Committee on Municipal Corporations may consider and report upon bills and matters referred to it relating to the organization, government and improvement of cities, towns, villages and other questions concerning municipal bodies.

(31) *Professional Registration and Licensing.* The Committee on Professional Registration and Licensing may consider and report upon bills and matters referred to it relating to boards, bureaus, and commissions that examine the qualifications of persons engaged in certain professions and occupations and the duties of such agencies and the persons registered by them.

(32) *Public Health [and Safety].* The Committee on Public Health [and Safety] may consider and report upon bills and matters referred to it relating to the health [and safety] of the people of the State of Missouri.

(33) *Public Safety and Law Enforcement.* The Committee on Public Safety and Law Enforcement may consider and report upon bills and matters referred to it relating to the safety of the people of the State of Missouri and to law

enforcement.

(34)[(33)] *Retirement.* The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees.

(35)[(34)] *Rules, Joint Rules, and Bills Perfected and Printed.*

(a) *Duties, generally.* The Committee on Rules, Joint Rules, and Bills Perfected and Printed shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, Joint Rules, and Bills Perfected and Printed, and upon any bill which merits special consideration.

(b) *Duties related to printing and proofing bills.* The Committee shall [direct] supervise the printing of all bills ordered perfected and printed, insuring that procedures are followed in which [and see that] all amendments to every such bill are incorporated therein before the bill is printed and [certify to the House that] the printed copies of the bill on the desks of the members are true and correct copies of the bill as ordered perfected and printed[;]. The Committee shall also supervise the printing of all bills which are truly agreed to and finally passed, insuring that procedures are followed in which every truly agreed to and finally passed bill is a true copy of the bill as passed with clerical errors corrected [shall carefully examine the typed copy of all bills which are truly agreed to and finally passed and compare each bill agreed to and finally passed with the perfected bill, correct the clerical errors, if any, and return the bill with a committee report to the House certifying that the bill is truly and correctly typed as agreed to and finally passed]. The Committee shall report to the House when any perfected or any truly agreed to and finally passed bill is printed under its supervision.

(c) *Duties relating to the issuance of courtesy resolutions.* A courtesy resolution is a non-controversial resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, sympathy on the death of an individual, congratulations on an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider as a courtesy resolution. The Committee shall supervise the offering and issuance of all courtesy resolutions. While the House is in session, the resolutions that have been issued under the supervision of the Committee shall be printed in the House Journal by number and sponsor.

(d)[(c)] *Petition to remove from perfection calendar.* Upon petition of two-thirds of the standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, the Committee on Rules and Joint Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.

(e)[(d)] *Petition to remove from third-reading calendar.* Upon petition of two-thirds of the standing committee chairmen, the Committee on Rules, Joint Rules and Bills Perfected and Printed shall have the authority to consider and remove, any Senate bill or Joint Resolution from the regular third reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules and Joint Rules, may be recommitted to the Committee on Rules and Joint Rules by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.

(36)[(35)] *Critical Issues.* The Committee on Critical Issues may consider and report upon bills and matters referred to it relating to issues of a critical nature to State Government. The Committee will identify those issues and the options available that are most important to citizens and lawmakers and formulate legislation in a systematic and comprehensive manner and provide future planning and direction for a regular structured plan.

(37)[(36)] *Social Services, Medicaid and the Elderly.* The Committee on Social Services, Medicaid and the Elderly may consider and report upon bills and matters referred to it relating to social services Medicaid, children's aid and the elderly.

(38)[(37)] *State Parks, Natural Resources and Mining.* The Committee on State Parks, Natural Resources and Mining may consider and report upon bills and matters referred to it relating to state parks, fish and game, forestry, mines, water and other natural resources.

(39)[(38)] *Transportation.* The Committee on Transportation may consider and report upon bills and matters referred to it relating to roads, highways, bridges, ferries, airports, railroads and other means of transportation.

(40)[(39)] *Tourism, Recreation and Cultural Affairs.* The Committee on Tourism, Recreation and Cultural Affairs may consider and report upon all matters referred to it pertaining to the development and promotion of travel, tourism, recreation, the arts and cultural affairs.

(41)[(40)] *Urban Affairs.* The Committee on Urban Affairs may consider and report upon bills and matters referred to it relating to city planning and other urban issues.



(42)[(40.5)] *Utilities Regulation.* The Committee on Utilities Regulation may consider and report upon bills and matters referred to it relating to incorporation and regulations of utilities, including gas, electric, water, heating, sewer, cable television, and telephone and telegraph companies, as well as rural electric cooperatives.

(43)[(41)] *Ways and Means.* The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the revenue and public debt of the state, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenues and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House.

(44)[(42)] *Workers Compensation and Employment Security.* The Committee on Workers Compensation and Employment Security may consider and report upon bills and matters referred to it relating to the Workmen's Compensation Act, unemployment compensation and employment security.

[The Speaker may appoint such special committees as he/she deems necessary.]

Duties of Committee Chairman;

Organization of Committee.

Rule 29. (a) *Duty to preside; not required to vote.* It is the duty of the chairman to preside at all sessions of the committee. He/she is not required to vote on any measures except in the case of a tie, but he/she may do so if he/she so desires.

(b) *When Chair is Absent.* In the absence of a chairman, the vice-chairman of the committee shall preside, and in his/her absence, a member appointed by the chairman.

(c) *Minute book.* The chairman shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing. The chief clerk shall be the repository of the minute book after each general assembly.

(d) *Bills, reports, and other documents.* The chairman shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.

(e) *Duty to preserve order.* The chairman, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accord with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

(f) *When a Bill Fails.* Whenever a motion that a bill "Do Pass" shall fail, or if there be an even division on the question, the chairman shall report said bill back to the House "Do Not Pass" unless the bill is otherwise disposed of by another motion.

Committee Hearings.

Rule 30. All bills referred to committees shall be considered by giving the author, the proponents and the opponents a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chairman for failure to do so. In the discretion of the committee, the length of time allowed any one speaker may be limited.

Quorum.

Rule 31. A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.

Meetings-How Announced.

Rule 32. (a) *One Day's Notice and Journal Entry Required.* Announcement of all meetings of committees, other than meetings of the appropriations committees, shall include a statement of all matters to be considered at the meeting, shall be read from the clerk's desk at least one day prior to the meeting and shall be entered in the journal prior to the beginning of the meetings.

(b) *Posting of Agenda.* The chairman of each committee shall give written notice of the time, date, place and tentative agenda of all meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least twenty-four hours prior to the meeting and shall include posting the notice on the bulletin board located outside the Speaker's office.

(c) *When Notice Requirements May Be Waived.* For good cause meetings may be conducted on less than twenty-four hours' notice or at a place or time that is not convenient to the public. When for good cause it is necessary to hold a meeting on less than twenty-four hours' notice or at a place or time that is not convenient to the public, the nature of the good cause shall be stated in the committee's minutes.

#### Other Duties and Powers.

Rule 33. Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House. If it shall become necessary to compel the presence of any person before a committee or to receive sworn testimony before a committee, a subpoena may be issued under the hand of the Speaker as provided by law and an oath or affirmation may be administered by the chair of the committee as provided by law.

#### Attendance.

Rule 34. The secretary of each committee shall keep a record of the attendance at each committee meeting in the minute book of the committee, which shall be available to the Speaker on request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be called by the chairman or secretary of a committee at each meeting.

#### Minority Views.

Rule 35. The minority of a committee may not make a report or present a proposition of legislation, but has the right to file views to accompany the report.

#### Committee Relieved of Bill--When.

Rule 36. No bill shall be taken away from any standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. If any bill is taken away from any committee by vote of one-third of the elected members of the House, as provided by the Constitution, then the bill shall be placed on a separate calendar, at the foot of the existing House Calendar, and shall not be taken up and considered by the House until all bills on the entire House calendar ahead of such bill have been disposed of by the House.

#### Election Contest.

Rule 37. Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the standing Committee on Elections or a special committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.

#### Ethics Committee;

#### Complaints of Ethical Misconduct.

Rule 38. (a) *Committee Established.* The Speaker shall appoint a Committee on Ethics and name the committee's chair and vice-chair. The committee shall have an equal number of members of the majority and minority party. The minority members of the committee shall be appointed by the minority leader.

(b) *Committee Authority.* The Committee may consider and report upon complaints referred to it relating to a member

of the House of Representatives involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The Committee is authorized to investigate such complaints and, after notice and a hearing conducted pursuant to Rules of Procedure established under this rule, to report to the House its findings, conclusions and recommendation. The Committee is further authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.

(c) *Rules of Procedure.* Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the Committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.

(d) *Receipt of Complaint; Investigation.* Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer within 10 days the same, without discussion, to the Committee on Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call.

(e) *Report and Recommendations.* At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendation to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendation. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.

(f) *Application of Standing Committee Rules to Ethics Committee.* All rules that pertain to standing committees of the House shall apply to the Committee on Ethics to the extent consistent with this rule and any rules of procedure adopted pursuant to paragraph (c) of this rule.

## BILLS

Introduced; Manner of Setting Forth

New and Old Material.

Rule 39. (a) *When.* Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business.

(b) *Manner of Printing.* Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:

"Explanation--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law."

Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any bill or substitute which does not comply with this rule shall not be placed upon the calendar.

(c) *Number of Copies Submitted.* Each bill shall be submitted in triplicate.

Number of Copies Printed.

Rule 40. One thousand copies of all House Bills and House Joint Resolutions shall be printed. The Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate.

Reading by Title Sufficient.

Rule 41. The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the House.

To Go Upon Calendar-When.



**Rule 42.** No House Bill shall be placed upon the calendar for second reading until the legislative day following the introduction and first reading of said bill.

**Timing of Placement on Calendar;**

**Federal Mandate Calendar.**

**Rule 43. (a)** When a bill is reported from the committee with the recommendation that it "do pass" or "without recommendation", it shall go upon the calendar of the House. No bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the calendar for at least one legislative day.

**(b)** No bill shall be placed on the Federal Mandate Calendar unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be considered for placement on the Federal Mandate Calendar shall request such in writing to the Chair of the Committee where such bill has been assigned. The written request should state the deadline with which the state must comply with the federal mandate and what will happen if the state doesn't comply by this date. A copy of the federal statute(s) or regulation(s) mandating what the state must do shall accompany the written request. If said bill is reported do pass from the committee recommending that said bill be placed on the Federal Mandate Calendar, the Chair shall submit to the Speaker a copy of the original written request along with a copy of the federal statute(s) or regulation(s) mandating state action. If the Speaker concurs that said bill complies with all requirements of this rule, he shall place said bill on the Federal Mandate Calendar.

**Motion to Place on Calendar.**

**Rule 44.** If a bill is reported from the committee with the recommendation that it "do not pass" it shall not go on the calendar of the House unless ordered by a constitutional majority. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the author of the bill is present or the motion is made by a member upon the author's written request. If no such action is taken within said time, the bill shall lie on the table.

**Bills Laid Over Informally.**

**Rule 45.** When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the author thereof, if a House Bill, or, (upon the request of its sponsor in the House, if a Senate Bill), be laid over informally, and thereafter called up at any time, in any order, when otherwise in order.

**To Appear in Order.**

**Rule 46.** All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.

**Ten Day Rule.**

**Rule 47.** If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action by the House.

**Consent Calendar.**

**Rule 48. (a) Which Bills May Be Placed.** Each committee, after a favorable vote on a bill without amendment, may further determine by a second and affirmative vote of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases net expenditures of the state or reduces net revenue of the state shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.

**(b) Procedure.** If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be placed on that calendar



and after said bill has remained on the "House Consent Calendar for Perfection" for five legislative days, it shall be ordered perfected and advanced to the "House Consent Calendar for Third Reading and Final Passage" without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be sent to the Committee on Rules and Joint Rules. If the Committee on Rules and Joint Rules concur in the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be deemed perfected and placed on the "House Consent Calendar for Third Reading and Final Passage" without further action by the House. If the committee does not concur with the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be returned to the committee from which it was originally reported. An objection made by five members under this rule cannot be rescinded.

## AMENDMENTS

### Of Committees and Substitutes.

Rule 49. (a) *In Writing.* Proposed amendments must be reduced to writing on demand. Every amendment shall be read in its entirety by the clerk unless it has been distributed in advance, the amendment's sponsor requests waiver of the reading, and there is no objection to the request. An amendment shall be considered to have been distributed in advance if, before it is offered, it has been placed on the members' desks in paper form.

(b) *What Amendments and Substitute Amendments are in Order.* When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original amendment is perfected, but either may be withdrawn before amendment or decision is had thereon.

(c) *Committee Substitute Treated as Original.* A House committee substitute shall be considered as an original bill for purposes of amendment.

(d) *House Substitute.* A House substitute shall be considered as an amendment. A House substitute must be distributed to the members at least one legislative day prior to its consideration by the House; except after the Second Monday in May, no House Substitute shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House. A House amendment which, in the opinion of the chair, is of such scope and length, that it is in reality a house substitute, must be distributed in the same manner as a house substitute.

(e) *One House Substitute at a Time.* Only one House substitute shall be in order at one time.

(f) *When Federal Mandate Bills Can Be Amended.* Amendments to House and Senate Bills - Federal Mandate are [not] permitted only within the scope of the federal mandate [except]. Perfecting amendments are permitted to make technical corrections.

### Committee Substitute Printed.

Rule 50. When a committee recommends a substitute for a bill the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the chairman or any member designated by the chairman. The Chief Clerk shall have one thousand copies of the substitute printed for the use of the House, except that the Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate. No committee substitute shall be called from the calendar of the House until the printed copies have reached the members. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated the original bill shall be before the House for perfection and shall immediately be considered.

### Order of Amendments.

Rule 51. When amendments to any bill, motion or proposition are pending they shall be voted on in the following order:

(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.

(2) Amendments to the substitute are next voted on, and may be offered seriatim as fast as disposed of until the substitute is perfected.

(3) The substitute is next voted on. Both the amendment and the substitute having been perfected and presented in final form, the House or committee makes its choice of the two.

(4) The amendment is voted on last. If the substitute has been agreed to, the vote comes on the amendment as amended by the substitute.

#### **Amendments Incorporated in Bill.**

Rule 52. All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Committee on Rules, Joint Rules, and Bills Perfected and [Passed] Printed whose report to the House shall be set forth, in writing, that the bill is truly perfected, and the printed copies furnished to the members are correct.

#### **BILLS**

#### **Ayes and Noes Taken.**

Rule 53. When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively, or amended, by a majority of the members elected, unless objection be made, in which case the vote shall be taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.

#### **Repassage.**

Rule 54. When all Senate amendments to House bills have been concurred in by the constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on its first passage, a constitutional majority shall be necessary to the final passage of the bill.

#### **Majority to Perfect.**

Rule 55. A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.

#### **Amending After Perfection; Perfecting Amendments.**

Rule 56. No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has been read the third time.

#### **Motion for Final Passage.**

Rule 57. When the Committee on Bills Perfected and Passed reports a bill truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be agreed to, read a third time and put upon its final passage?" If a constitutional majority sustains the question the bill shall be put immediately upon its passage.

#### **Bills Not to be Passed on Previous to Roll Call.**

Rule 57.5. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.

#### **Course After Passage.**

Rule 58. When a bill passes the House, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

Perfecting Amendment on  
Bills Returned from the Senate.

Rule 59. No bill may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the perfecting amendment.

Conference Reports.

Rule 60. (a) *Signatures on a Conference Report.* All conference committees shall be composed of five (5) conferees from each house and no conference report shall be submitted to either house unless approved by a majority vote of the full committee with not less than two (2) conferees from each house signing the report.

(b) *Review for Correctness.* Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.

(c) *Notice Requirements.* No conference committee report shall be taken up and considered unless the same has been distributed to the members at least one legislative day prior to its consideration; except after the first Wednesday following the second Monday in May, no conference committee report shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House.

(d) *Exceeding the Differences.* Unless authority is granted by the House to exceed the differences, the conferees must confine themselves to matters that are within the scope of the difference between the House position and the Senate position. When a report is offered for adoption, the point of order that the conferees have exceeded the difference shall be in order. The Speaker may rule on the point of order or may place the question of whether the conferees have exceeded the differences before the House for a vote. A majority of members voting prevails on the question.

RESOLUTIONS

Joint and Concurrent Resolutions.

Rule 61. All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.

Joint and Concurrent of Congress.

Rule 62. (a) *Procedure, Generally.* All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.

(b) *Not to be Amended.* The text of the amendment as proposed by the Congress of the United States shall not be amended.

Petitions, Memorials, Remonstrances,  
and Resolutions.

Rule 63. All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without



reading, consideration, discussion, explanation or debate, to the Committee on Miscellaneous Bills and Resolutions unless referred to some other appropriate committee by the Speaker. Those papers that are favorably recommended by the committee for adoption by the House shall be printed in the Journal and placed upon a resolutions calendar. [Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full.]

## SENATE BILLS

### Referral.

Rule 64. Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.

### Go Upon the Calendar.

Rule 65. (a) *Reported out of Committee.* When a Senate Bill is reported from the committee to which referred with the recommendation that it "do pass", or "without recommendation", it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the Calendar for at least one legislative day.

(b) *Senate Consent Bills.* A Senate Bill passed by the Senate pursuant to its procedure for consent bills shall be considered for treatment as a consent bill by the House committee to which it was referred without further request but such bills may be amended in the House committee. However, any bill that is of a controversial nature or increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent. The committee, after a favorable vote on the bill, may by a second and affirmative vote of every member present, request said bill be placed on the "Senate Bills for Third Reading and Final Passage-Consent Calendar."

(c) *Senate Consent Bills-Objections.* Senate bills passed out of the House committee with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage-Consent Calendar are subject to the five member objection provision of Rule 48.

(d) *Senate Consent Bills-When Taken Up.* No Senate consent bill may be taken up after 6:00 p.m. on the first Thursday following the third Monday in April.

(e) *When Amendment Permitted.* Senate consent bills may be amended in committee but not on the floor of the House unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the House floor.

### When Reported "Do Not Pass."

Rule 66. If a Senate Bill be reported from the committee to which referred with the recommendation that it "do not pass" it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill.

### Amendments.

Rule 67. Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.

Rule 68. Reserved.

## MOTIONS

Must Be Read or Stated Before Debate.



Rule 69. When a motion is made it shall be stated by the Chair or read aloud by the Clerk before being debated.

**When in Possession of House.**

Rule 70. When a motion is stated by the Speaker or read by the clerk it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time when another motion is not pending before decision or amendment.

**To Be Reduced to Writing.**

Rule 71. Every motion shall be reduced to writing if the Speaker or any member demands it.

**Must Be Germane.**

Rule 72. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

**Privileged.**

Rule 73. When a question is under debate, no motion shall be entertained but to adjourn; to take recess; to lay on the table; for the previous question; to postpone to a certain day; to commit or amend, or postpone indefinitely; which several motions shall have precedence in the order herein set forth.

**Dilatory.**

Rule 74. When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.

**To Adjourn in Order-When.**

Rule 75. Except as above limited, and except when a member is speaking or the roll is being called, a motion to adjourn is always in order, and pending the result of such a motion, no member shall leave his seat in the House.

**Previous Question.**

Rule 76. The previous question shall be in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. The proponent shall not be allowed to make a closing statement after the first Monday in May. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.

**Not Debatable.**

Rule 77. Motions to adjourn, to lay on the table, for the previous question, calls for the order of business of the day, and all questions relating to priority of business shall be decided without debate.

**Division of Questions.**

Rule 78. Any member may have, as a personal right, a division of the question where the sense will admit of it. When the question having been divided is a Senate Bill for Third Reading, each part of the bill shall be voted upon separately and a subsequent separate vote shall be taken on the entire bill.

**Indefinite Postponement.**

**Rule 79. When a question is postponed indefinitely, the same shall not be acted upon again during the session.**

**Question Laid on Table-How Taken Up.**

**Rule 80. When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds of the members present.**

**MOTION TO RECONSIDER**

**Motion to Reconsider Must be Made**

**In Three Days.**

**Rule 81. When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its final passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.**

**Procedure for Motion to Reconsider.**

**Rule 82. A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other business. Any motion to reconsider having failed once shall not be considered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.**

**DECORUM AND DEBATE**

**On Speaking.**

**Rule 83. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker." The member shall confine himself/herself to the questions under debate and avoid personality. If any member violates the rules of the House the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case without debate.**

**Appeals.**

**Rule 84. If there is no appeal, the decision of the Chair is final. If the decision is in favor of the member called to order he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.**

**Member to Rise; When Two or More Rise.**

**Rule 85. The Speaker shall not recognize any member desiring to speak unless such member arises at his/her desk. When two or more members rise at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.**

**Member May Speak-How Often.**

**Rule 86. No member shall speak more than twice on the same question without leave of the House, nor more than once until any other member desiring to speak has spoken. Except when reporting a bill or resolution from a committee, no member may speak, interrogate or inquire for more than fifteen minutes unless by unanimous consent of the House.**

**No Member Shall Name Another**

**Member in Debate.**

**Rule 87. No member shall name another member in debate, but shall refer to the member by district number or by county.**

**Members Not To Use Profanity.**

**Rule 87.5. No member may use profanity either while speaking on the floor or while in committee.**

**Members Not to Walk Across the House-When.**

**Rule 88. While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Chair. No member shall walk between two members who are engaged in debate or inquiries in the hall of the House.**

**Order of Questions.**

**Rule 89. All questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 73.**

**Voting.**

**Rule 90. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present in the chamber when the vote was taken. Nothing herein contained shall prohibit a member from voting "Present" on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost.**

**Verification of the Roll;**

**Members Not to Interrupt Calling of Ayes and Noes; Changing Vote.**

**Rule 91. No member shall be permitted to interrupt a roll call and no member shall be allowed to vote or to change his/her vote (except to have his/her vote correctly recorded) after a verification is begun or after the final vote is announced.**

**Demand for Verification.**

**Rule 92. Any five members may demand a verification of the roll if such demand is made before the vote is announced.**

**Bell to Signal Beginning and End of Vote.**

**Rule 93. At a reasonable time prior to the beginning of taking the ayes and noes by electric roll call on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.**

**Reference to Electric Roll Call System**

**to be Understood.**

**Rule 94. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes and noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electric roll call system. There shall be a taking of the vote by electric roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in cases of quorum calls.**



#### **Dress Code.**

Rule 95. At all times when the House is seated, proper attire for gentlemen shall be coat and tie. Proper attire for women shall be dresses, skirts or slacks worn with a blazer or sweater. This rule shall apply to all members on the floor of the House and lower gallery.

#### **Eating, Smoking, and Other Distractive Activities.**

Rule 96. No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in Session. Smoking is prohibited in the House Chambers, upper and lower galleries, except members may smoke in the East Gallery.

#### **Ascending the Dais.**

Rule 97. No person shall ascend the Dais without first being recognized to do so by the Speaker.

### **INTERIM PROCEDURE**

#### **Bills-End of [First] Regular Session.**

Rule 98. All House Bills or House joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate bills and joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro-Tem's desk. House bills and joint resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years.

(b) This rule may only be suspended by a vote of two-thirds of the elected members of the House

#### **Bills-Pre-Filing.**

Rule 99. A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the filing period preceding a regular session of the general assembly in odd-numbered years, the Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the general assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that general assembly.

#### **Interim Committees.**

Rule 100. All standing committees [named during the first regular session of a general assembly] may meet to consider bills or to perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the standing committee, to act in the place of the standing committee during the interim. Members of each of the committees, or any subcommittee thereof, shall be reimbursed from the contingent fund of the House for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee if approved by the Speaker.

### **CALL OF THE HOUSE**

#### **Names of Members to be Called.**

Rule 101. A call of the House may be made at any time on motion seconded by ten members and sustained by a



majority of those present; (names of members may be called orally or by electric roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.

#### **Absent Members May Be Sent For.**

Rule 102. Upon the call of the House, the names of those members present shall be recorded and the absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.

#### **Prohibited While Electric Voting System Open.**

Rule 103. No call of the House shall be made after the Speaker has directed the clerk to open the electric voting device to record the names of the members and until the vote be announced. This rule shall not prohibit the calling of the absentees (reading by the clerk of the names of members who have not voted) at the request of any member while a roll call is in progress.

#### **Majority Not Under Arrest May Censure and Fine**

##### **Delinquent Members.**

Rule 104. The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.

##### **Release from Custody.**

Rule 105. When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.

#### **COMMITTEE OF WHOLE HOUSE**

##### **When Permitted.**

Rule 106. On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.

##### **Chairman Appointed by Speaker.**

Rule 107. In forming a Committee of the Whole House, the Speaker shall leave his/her chair and shall appoint a Chairman to preside in the Committee[, who shall be appointed by the Speaker].

##### **Procedure Upon Bills.**

Rule 108. Upon a bill being committed to a Committee of the Whole House, the same shall first be read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.

##### **Amendment to Motion Must be Incorporated in Original Motion.**

Rule 109. All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.

##### **Amendment Shall be Noted.**

Rule 110. All amendments made to reports, resolutions or other matters committed to a Committee of the Whole

House shall be noted and reported, as in case of bills.

#### Rules of Proceedings.

Rule 111. Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.

#### Quorum.

Rule 112. A majority of the members elected shall be a quorum to do business; and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.

#### ADMISSION TO HALL

##### Definitions.

Rule 113. The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the Hall shall be known as the upper gallery.

##### Admission to House Floor.

Rule 114. No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders, Assistant Majority and Assistant Minority Floor Leaders and Chairman of the Budget Committee and, at the request of the Speaker, technical support staff needed to maintain data processing and other equipment. Other persons may be admitted to the floor and East Gallery with the consent of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.

##### Admission to Lower Gallery.

Rule 115. No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the House, Joint Committee Staff, the Governor, the Lieutenant Governor, the Secretary of State, the State Auditor, the State Treasurer, Judges of the Supreme Court, the Clerk of the Supreme Court, Judges of the Courts of Appeals or Circuit Courts, the Attorney General, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization, and physically disabled persons. No official except current members of the General Assembly otherwise allowed to the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the chair upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.

##### Admission to Upper Gallery.

Rule 116. The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the press having valid credentials issued by the Speaker. [The upper rear gallery shall be reserved for special guests of members of the House admitted by personal pass issued by any member.] All other upper [The upper side] galleries shall be open to the public. There shall be no smoking in the upper rear or upper side galleries.

##### Privileges of Former Members.

Rule 117. Former members of either House of the General Assembly employed as legislative counsel or agents shall enjoy only such privileges as are under these rules accorded to other legislative counsel and agents.

##### Permission Required for Electronic Devices.

Rule 118. Tape recorders, portable phones, video equipment, television equipment, photography equipment, and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House Chambers unless permission has been granted from the Chair. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized, unless any other member objects to the noise created or generated by any such laptop computer in which case the Chair may rule on whether or not any specific laptop computer shall be removed from the House floor.

## **RULES**

### **May be Rescinded or Amended-How.**

Rule 119. Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution.

### **May Be Dispensed With.**

Rule 120. Rules 81 and 82 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds of the elected members concur therein. A rule which requires a two-thirds vote shall not be suspended, except by unanimous consent or unless two-thirds of the elected members concur therein. No other standing rule or order of the House shall be [dispensed with] suspended, except by unanimous consent or unless a constitutional majority concur therein and motions for that purpose shall be limited to the question or proposition under consideration.

### **Jefferson's Manual.**

Rule 121. The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules[ and Practice] of the House of Representatives of the United States" [, 97th Congress", and all extensions and amendments thereto as annotated and revised by Cannon and Deschler,] and the official collection of precedents and interpretations of the rules by parliamentary authorities of the United States House shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Office of the Chief Clerk, the Speaker, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader, and the Assistant Minority Floor Leader will make available copies of these documents in his/her office to any member who so requests. The documents shall be purchased by the House and shall be the property of the House and not of the individual holding the office. The Manual [and Digest of the rules and practice,], Rules, precedents and interpretations above referred to, shall be taken as authority in deciding questions not otherwise provided for in these rules.

## **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 11, introduced by Representative Reynolds, relating to the bill of rights.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bill was read the first time and copies ordered printed:

HB 299, introduced by Representative Schwab, relating to telemarketing practices.

HB 300, introduced by Representative Green, relating to automobile driver's licenses.

HB 301, introduced by Representatives Marble, Howerton, Secrest and Linton, et al, relating to environmental audit privilege.

HB 302, introduced by Representative May (108), relating to the fireman's rule.

HB 303, introduced by Representative Dolan, relating to the regulation of the alarm business.

HB 304, introduced by Representative Skaggs, relating to ad valorem taxation of freight line companies.

HB 305, introduced by Representative Skaggs, relating to denturists.

HB 306, introduced by Representative Davis (63), relating to home-delivered meals for the elderly.

HB 307, introduced by Representative Leake, relating to sales taxation.

HB 308, introduced by Representative Dougherty, et al, relating to the regulation of certain child care providers.

HB 309, introduced by Representative Dougherty, relating to emancipation of minors.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCR 1.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCR 2.

#### WITHDRAWAL OF HOUSE BILLS

January 7, 1999

Anne C. Walker

Chief Clerk

Room 306-C, State Capitol

Jefferson City, MO 65101

Dear Ms. Walker:

I respectfully request to withdraw House Bill 71 dealing with licensing of Home Health Employees administering medication.

Thank you for your assistance in this matter.

Sincerely,

/s/ T. Mark Elliott

State Representative

District 127

January 8, 1999

Anne C. Walker

Chief Clerk

State Capitol, Room 306-C

Jefferson City, Missouri 65101

Dear Ms. Walker

I would like to respectfully withdraw House Bill 80 that I filed relating to liquor.



Thank you for your assistance in this matter.

Sincerely,

/s/ Timothy P. Green

State Representative

District 73

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, January 12, 1999.

#### **COMMITTEE MEETINGS**

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Tuesday, January 12, 1999. Upon Adjournment. CORRECTED NOTICE.

Hearing Room 6. Department of Natural Resources.

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Wednesday, January 13, 1999. Upon Adjournment. CORRECTED NOTICE.

Hearing Room 6. Department of Economic Development.

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Thursday, January 14, 1999. Upon Adjournment. Hearing Room 8, if necessary

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Monday, January 18, 1999, 12:00 pm. Hearing Room 6. Department of Agriculture.

##### **INTERIM COMMITTEE ON SOLID WASTE AND RECYCLING**

Wednesday, January 13, 1999, 1:00 pm. Hearing Room 5.

To review and approve interim committee report.

#### **HOUSE CALENDAR**

**FOURTH DAY, TUESDAY, JANUARY 12, 1999**

##### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 11

##### **HOUSE BILLS FOR SECOND READING**

HB 299 through HB 309

**HOUSE RESOLUTION**

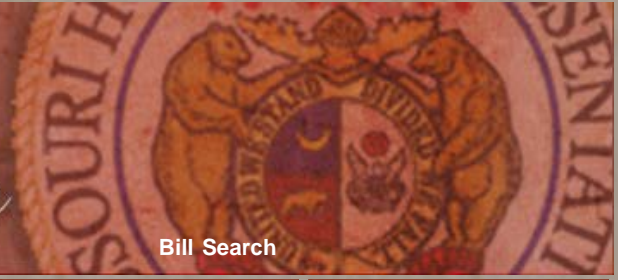
**HCS HR 5 - Crump**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

FOURTH DAY, Tuesday, January 12, 1999

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Thank God constantly." (I Thess. 2:13)

I was reading a piece of history recently about a man in New York in the 1930s who was collecting a pension of \$2000 a year. The gift came from Charles II of England who was befriended and helped by an ancestor of the man in 17th century England when there was a price on the future King's head. The King ordered the pension to be paid in perpetuity and set up the fund.

Today, gracious God, we so often find that we are not always grateful for those who reach out to us. We often take the love and loyalty of others for granted. Give us a spirit of gratefulness in all ways. Above all, we give thanks to You, the source of all gifts and all giving. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the third day was approved as corrected by the following vote:

AYES: 161

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton 57 Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Loudon

VACANCIES: 001

## RESOLUTIONS

Representative Koller offered House Resolution No. 28.

### HOUSE RESOLUTION NO. 28

WHEREAS, it is with special pleasure that the members of the Missouri House of Representatives pause to recognize an exceptional Missourian whose personal and professional achievements have brought both honor and glory to the Show-Me State; and



WHEREAS, Deborah McDonald, an esteemed resident of Alton, Missouri, began her reign as Miss Missouri in June of 1998 following her coronation at the Annual Miss Missouri Pageant in Mexico, Missouri; and

WHEREAS, born in West Plains on March 14, 1974, Deborah McDonald fulfilled the academic goals she set for herself by earning an Associate Degree at the West Plains campus of Southwest Missouri State University, after which she matriculated at the Springfield campus and graduated **cum laude** with a Bachelor of Science degree and an M.B.A.; and

WHEREAS, the third runner-up in the Miss America Pageant, Deborah McDonald has made numerous singing and speaking appearances across the Show-Me State since beginning her reign as Miss Missouri, in which capacity she enthusiastically promotes her platform of service learning and teaching ethics in public schools and universities; and

WHEREAS, throughout her years of competition in the Miss America Scholarship system, Deborah McDonald has won more than \$30,000 in scholarships that have provided her with the assistance needed for a quality education, which she continues to pursue on the doctoral level at the University of Missouri; and

WHEREAS, while in the Ozarks, Deborah McDonald distinguished herself as a radio personality on talk radio and country stations, as well as a Promotions Director and Account Executive; and

WHEREAS, Deborah McDonald has achieved all of this and more with the love, support, and encouragement of her proud and loving parents, Helen and the late Bill McDonald, and her three siblings, Rebecca Lynn, Rachel Suezan, and William Brian:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Deborah McDonald upon her selection as the 1998 Miss Missouri, and in wishing her only the very best in her continuing quest to represent the people of the Show-Me State; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Miss Missouri, Deborah McDonald.

On motion of Representative Koller, Rule 63 was suspended and House Resolution No. 28 was adopted by the following vote:

AYES: 158

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Saltee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton 57 Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Gibbons Lograsso Loudon Thompson 37

VACANCIES: 001

Representative Bray offered House Resolution No. 29.

Representatives Gross and Bennett offered House Resolution No. 30 through House Resolution No. 33.

Representative Overschmidt offered House Resolution No. 34.

Representatives Cooper, Skaggs, Lakin, Pouche, Ridgeway, Reinhart, Lawson, Fitzwater and Shields offered House Resolution No. 35.

Representative Campbell offered House Resolution No. 36 through House Resolution No. 39.

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 11** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 299** through **HB 309** were read the second time.

#### **HOUSE RESOLUTION**

**HCS HR 5**, relating to House Rules, was taken up by Representative Crump.

Representative Crump offered House Amendment No.1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Resolution No. 5, Rule 26, line 1, by deleting all new language after the word "leave" on said line.

On motion of Representative Crump, House Amendment No. 1 was adopted.

Representative Bray offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Resolution No. 5, House Journal, Monday, January 11, 1999, Page 81, Line 8, by adding at the end of said line after the word "Protection" the following: "**and Housing**"; and

Further amend said resolution, House Journal, Monday, January 11, 1999, Page 83, Line 24, by adding after the words "Consumer Protection" the following: "and Housing"; and

Further amend said resolution, House Journal, Monday, January 11, 1999, Page 83, Line 25, by deleting the words "and consumers" and inserting in lieu thereof the following: "[and], consumers **and housing**".

On motion of Representative Bray, House Amendment No. 2 was adopted.

Representative Scheve offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Resolution No. 5, Rule 83, by deleting all of said rule and inserting in lieu thereof the following:

Rule 83. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker." **The member shall refer, as appropriate, to other members as "Lady", "Gentleman" or "Representative"**. The member shall confine himself/herself to the questions under debate and avoid personality. If any member violates the rules of the House, the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case without debate.

On motion of Representative Scheve, House Amendment No. 3 was adopted.

Representative Kreider offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Resolution No. 5, Rule 95, by striking all of said lines and inserting in lieu thereof the following:

"Rule 95. At all times when the House is seated, proper attire for gentlemen shall be formal business attire, including coat, cloth tie, dress trousers and dress shoes or dress boots. Proper attire for women shall be dresses, skirts or dress slacks worn with a blazer or sweater. At no time when the House is seated shall members be permitted to wear denim jeans or denim dresses, regardless of color. This rule shall apply to all members on the floor of the House and the lower gallery."

Representative Williams (159) offered House Substitute Amendment No. 1 for House Amendment No. 4.

*House Substitute Amendment No. 1*

for

House Amendment No. 4

AMEND House Committee Substitute for House Resolution No. 5, Rule 95, by striking all of said lines and inserting in lieu thereof the following:

"Rule 95. At all times when the House is seated, proper attire for gentlemen shall be formal business attire, including coat, cloth tie, dress trousers and dress shoes or dress boots. Proper attire for women shall be dresses, skirts or dress slacks worn with a blazer or sweater. At no time when the House is seated shall members or staff be permitted to wear denim jeans or denim dresses, regardless of color. This rule shall apply to all members or staff on the floor of the House and the lower gallery."

Representative Elliott offered House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 4.

House Amendment No. 1

to

House Substitute Amendment No. 1

for

House Amendment No. 4

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Committee Substitute for House Resolution No. 5, Rule 95, after the word "gallery" on line 9 insert the following:

The Speaker of the House shall appoint a committee known as the "Fashion Review Committee". The purpose of the Committee will be to prevent any fashion mistakes. The Speaker may also refer to the Committee as "The Fashion Police".

Representative Elliott moved that House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 4 be adopted.

Which motion was defeated.

Representative Long offered House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 4.

House Amendment No. 2

to

House Substitute Amendment No. 1

for

House Amendment No. 4

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Committee Substitute for House Resolution No. 5, Rule 95, Line 5, by adding after the word "dresses" the following: ". Skirts and dress slacks shall be worn with a blazer or sweater and appropriate dress shoes are required."

On motion of Representative Long, House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 4 was adopted.

Representative Purgason offered House Amendment No. 3 to House Substitute Amendment No. 1 for House Amendment No. 4.

House Amendment No. 3

to



House Substitute Amendment No. 1

for

House Amendment No. 4

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Committee Substitute for House Resolution No. 5, Rule 95, Line 3, by deleting the word "cloth".

On motion of Representative Purgason, House Amendment No. 3 to House Substitute Amendment No. 1 for House Amendment No. 4 was adopted.

On motion of Representative Williams (159), House Substitute Amendment No. 1 for House Amendment No. 4, as amended, was adopted.

Representative Crump offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Resolution No. 5, Rule 28(22)(a), Line 1, by inserting immediately after the word "bill" of said line the following: ", except appropriations bills,".

On motion of Representative Crump, House Amendment No. 5 was adopted.

On motion of Representative Crump, HCS HR 5, as amended, was adopted.

On motion of Representative Crump, **HCS HR 5, as amended**, was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton 57  
Shields Skaggs Stokan Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 009

Blunt Boatright Dolan Froelker Hohulin  
Murphy Patek Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Hosmer Loudon Purgason Smith

VACANCIES: 001

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 310**, introduced by Representative Franklin, relating to the public school and the nonteacher school employee retirement systems.

**HB 311**, introduced by Representatives Hollingsworth, McKenna, Wagner, Abel, Selby and Alter, relating to circuit judges in the twenty-third judicial circuit.

**HB 312**, introduced by Representative Abel, relating to sales taxes and fees for motor vehicle registrations, driver's licenses and title applications.

**HB 313**, introduced by Representative Abel, relating to primary elections.

**HB 314**, introduced by Representatives Hosmer, Legan, Clayton and Barnett, relating to motor vehicles.

**HB 315**, introduced by Representative Hosmer, relating to disabled person license plates and placards.

**HB 316**, introduced by Representatives Ladd Stokan, Kelley (47) and Kennedy, relating to a shared care program in the division of aging for the care of the elderly.

**HB 317**, introduced by Representative Marble, relating to teachers' salaries.

**HB 318**, introduced by Representatives Leake and Treadway, relating to training and standards for 911 telecommunicators.

**HB 319**, introduced by Representative Griesheimer, relating to the distribution of state surplus property.

**HB 320**, introduced by Representative Dougherty, relating to lead hazards.

**HB 321**, introduced by Representatives Farnen, Riback Wilson, Hosmer, Schilling, Williams (121), Graham (24) and

Champion, et al, relating to the governing boards of certain institutions of higher education.

HB 322, introduced by Representatives Gratz and Gunn, et al, relating to income taxes.

HB 323, introduced by Representatives Gratz and Vogel, to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

HB 324, introduced by Representatives Gratz, Ransdall and Townley, relating to fences.

HB 325, introduced by Representative Parker, relating to victims of crime.

HB 326, introduced by Representative Parker, relating to certain military forces.

HB 327, introduced by Representative Parker, relating to criminal competency.

HB 328, introduced by Representative Parker, relating to criminal competency.

HB 329, introduced by Representative Robirds, et al, relating to cooperative insurance entities for political subdivisions.

HB 330, introduced by Representative Gaskill, relating to teachers' salaries.

HB 331, introduced by Representatives Marble and Crawford, et al, relating to firearms permits.

HB 332, introduced by Representatives Ladd Stokan and Kennedy, relating to uniformity of inspection standards for long-term care facilities.

HB 333, introduced by Representative Hickey, relating to sales taxation.

HB 334, introduced by Representative Skaggs, relating to retirement of judges.

HB 335, introduced by Representatives Hosmer and Schilling, relating to blood alcohol tests.

HB 336, introduced by Representative Hosmer, relating to watercraft regulations.

HB 337, introduced by Representative Hosmer, et al, relating to the general assembly's preemption in the field of taxation of cigarettes and tobacco products.

#### WITHDRAWAL OF HOUSE BILLS

January 6, 1999

The Honorable Steve Gaw, Speaker

Missouri House of Representatives

State Capitol

Jefferson City, MO 65101

Dear Steve:

I would like to withdraw HB 187, relating to shared care.

Thank you,

/s/ Lana Ladd-Stokan

January 12, 1999

Anne C. Walker

Chief Clerk

State Capitol, Room 306-C

Jefferson City, Missouri 65101

Dear Ms. Walker:

I respectfully request to withdraw House Bill 276 that I filed relating to the towing of motor vehicles and other abandoned property.

Thank you for your assistance in this matter.

Sincerely,

/s/ Don Koller

State Representative

District 153

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following committee to act with a like committee from the House pursuant HCR 1. Senators: Caskey, Ehlmann, House, Jacob, Kinder, Klarich, Maxwell, Russell, Schneider and Wiggins.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, January 13, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Third Day, Monday, January 11, 1999, pages 74 and 75, roll call, by showing Representatives Hosmer and Linton voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, January 13, 1999. Upon Adjournment. CORRECTED NOTICE.

Hearing Room 6. Department of Economic Development.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, January 14, 1999. Upon Adjournment. Hearing Room 8, if necessary.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, January 18, 1999, 12:00 pm. Hearing Room 6. Department of Agriculture.

##### INTERIM COMMITTEE ON SOLID WASTE AND RECYCLING

Wednesday, January 13, 1999, 1:00 pm. Hearing Room 5.

To review and approve interim committee report.

#### HOUSE CALENDAR



FIFTH DAY, WEDNESDAY, JANUARY 13, 1999

HOUSE BILLS FOR SECOND READING

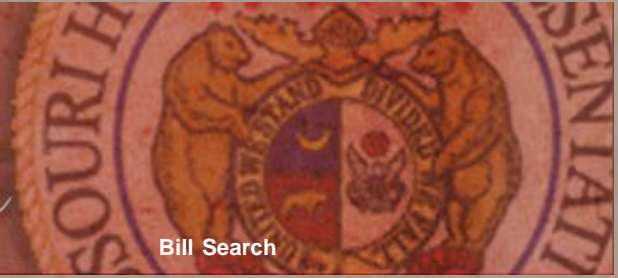
HB 310 through HB 337



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FIFTH DAY, Wednesday, January 13, 1999

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Learn to do good; seek justice, correct oppression." (Is. 1:17).

Today we receive the annual State of the Judiciary message from Chief Justice Duane Benton.

We are a people of the law, before which all are considered equal. Our pledge of allegiance includes the phrase "with liberty and justice for all." We know that the reality and the ideal do not always match. The public also has a sometimes distorted understanding of justice from TV police and other programs and Judge Judy and before that Judge Wapner; the OJ Simpson trial and the current debate about perjury and "high crimes and misdemeanors" do not always enlighten the general public.

We pray this morning, Eternal God, that our own conduct would be anchored in Your Law, which we humans come to discover slowly, and painfully and not without conflict. We pray for an increase of civil debate and conversation around the complicated issues of the day. Our human law is often based on what we perceive to be Your Law, Eternal God, and we ask for patience and the ability to listen in our hearts to each other. We give special thanks for the separation of powers which allows us to divide the political power and wait for the resolution of some of the issues which face us. May politics and raw political power never blind us to the legal tradition we have inherited, which presumes that some how what is right is what is legal and what is legal is ethical. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Maddie O'Mara, James O'Mara, Meghan Cummings and Katie Cummings.

The Journal of the fourth day was approved as corrected.

## RESOLUTIONS

Representative Clayton offered House Resolution No. 40.

Representative Bartelsmeyer offered House Resolution No. 41 and House Resolution No. 42.

Representative McClelland offered House Resolution No. 43.

Representative Overschmidt offered House Resolution No. 44.

Representative Howerton offered House Resolution No. 45.

Representative Carter offered House Resolution No. 46.

## **SECOND READING OF HOUSE BILLS**

**HB 310 through HB 337 were read the second time.**

**Representative Crump suggested the absence of a quorum.**

**The following roll call indicated a quorum present:**

**AYES: 153**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartelsmeyer Bartle**

**Bennett Berkowitz Berkstresser Black Blunt**

**Boatright Bonner Boucher Boykins Bray 84**

**Britt Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Crawford**

**Crump Daniel 42 Daniels 41 Davis 122 Davis 63**

**Days Dolan Dougherty Elliott Enz**

**Evans Farnen Fitzwater Foley Ford**

**Foster Franklin Fraser Froelker Gambaro**

**Gaskill George Gibbons Graham 106 Graham 24**

**Gratz Green Griesheimer Gross Gunn**

**Hampton Hanaway Harlan Hartzler 123 Hartzler 124**

**Hegeman Hendrickson Hickey Hilgemann Hohulin**

**Holand Hollingsworth Hoppe Howerton Kelley 47**

**Kennedy King Kissell Klindt Koller**

**Kreider Lakin Lawson Legan Levin**

**Liese Linton Lograsso Long Luetkenhaus**

**Marble May 108 Mays 50 McBride McClelland**

**McKenna McLuckie Merideth Miller Monaco**

**Murphy Murray Naeger Nordwald O'Connor**

**O'Toole Ostmann Overschmidt Parker Patek**

**Pouche Pryor Purgason Ransdall Reid**

**Reinhart Relford Reynolds Richardson Ridgeway**

**Rizzo Robirds Ross Scheve Schilling**

**Schwab Scott Secrest Seigfreid Selby**

Shelton 57 Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Hagan-Harrell Hosmer Kasten Kelly 27 Leake

Loudon Luetkemeyer Myers Sallee

VACANCIES: 001

Representative Crump moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 145

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hendrickson Hilgemann

Hohulin Holand Hollingsworth Hosmer Kasten



Kelly 27 Kennedy King Kissell Klindt  
Kreider Lakin Leake Legan Levin  
Liese Linton Long Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor Ostmann  
Overschmidt Parker Patek Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton 57 Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 005

Backer Hegeman Howerton Lograsso Pouche

PRESENT: 000

ABSENT WITH LEAVE: 012

Boucher Hagan-Harrell Hickey Hoppe Kelley 47

Koller Lawson Loudon Luetkenhaus Murphy

O'Toole Sallee

VACANCIES: 001

#### ESCORT COMMITTEE

The following committee was appointed to escort the Chief Justice of the Supreme Court of the State of Missouri, The Honorable Duane Benton, to the dais in Joint Session: Representatives May (108), Smith, Parker, Britt, Boykins, Bartle, Lograsso, Gibbons, Richardson and Townley.

#### JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Wilson presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

**AYES: 032**

**Banks Bentley Bland Caskey Childers  
Clay DePasco Ehlmann Flotron Goode  
Graves House Howard Jacob Kenney  
Kinder Klarich Mathewson Maxwell Mueller  
Quick Rohrbach Russell Schneider Scott  
Sims Staples Steelman Stoll Westfall  
Wiggins Yeckel**

**NOES: 000**

**ABSENT: 001**

**Singleton**

**ABSENT WITH LEAVE: 001**

**Johnson**

**The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:**

**AYES: 146**

**Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cooper Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelly 27 Kennedy King Kissell  
Klindt Kreider Lakin Leake Legan  
Levin Liese Linton Long Luetkemeyer  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald**

O'Connor Ostmann Overschmidt Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton 57  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Boatright Cierpiot Clayton Crawford Gross  
Harlan Kelley 47 Koller Lawson Lograsso  
Loudon Luetkenhaus O'Toole Parker Sallee  
Treadway

VACANCIES: 001

The doorkeeper announced the approach of the Honorable Duane Benton, Chief Justice of the Missouri Supreme Court. Chief Justice Benton was duly escorted to the House Chamber and to the Speaker's dais where he delivered the following message to the Assembly in Joint Session.

#### STATE OF THE JUDICIARY ADDRESS

By

Chief Justice Duane Benton

January 13, 1999

Mr. SpeakerMr. PresidentMembers of the 90<sup>th</sup> General Assembly:

"The life of the law has not been logic. The life of the law has been experience." So said Oliver Wendell Holmes- one of the most famous justices of the United States Supreme Court. It reminds me, though, of an old Missouri saying: "Experience is what you get, when you go looking for something else."

The first experience I should tell about - for the three new senators and 20 new representatives not here last year - is my own experience with the General Assembly. My first connection to state government was working as an intern right here in the House of Representatives. Later, while in law school, I drafted legislation for House members. More recently, the Senate confirmed me to four different positions on boards and in the executive branch of state government. I have been at hearings that seemed to last forever, and others that were seemingly over in seconds. On

a personal note, I have enjoyed serving as Chief Justice for the past 18 months, and I look forward to my next six months in that capacity. I thank you for the hospitality you have shown, and appreciate my two opportunities to address you.

In this State of the Judiciary address, I want to report to you on the experience of the third branch of government, and how we together can build on that experience to improve the structure of the judiciary.

Twenty years ago, the General Assembly - at the request of the judiciary - examined our branch of government and proposed a constitutional amendment that reorganized the structure of Missouri courts from top to bottom. This became what is now Article V of the Constitution. Among other reforms, that new Article V unified the courts of this state and organized them into a hierarchical pyramid. As a result, the courts can better serve your constituents, and cases move through the system as they never had before. I am proud to tell you there are no case backlogs in Missouri courts. Your amendment has worked. For 20 years, there has been no major change in the structure of the judiciary. For example, during those two decades, we have handled more and more cases, but have had very few new judgeships created.

The Article V constitutional amendment took effect on January 2, 1979. Today, in 1999, based on 20 years experience, I present some changes to the structure of the judiciary that will help achieve our ultimate goal: the prompt access to justice by the people of this state from a judiciary second to none. As the insightful commentator Alexis de Tocqueville observed about a century and a half ago, Americans "consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be permanent; and Americans admit that what appears to them today to be good, may be superseded by something better tomorrow." This General Assembly - bridging the 20<sup>th</sup> and 21<sup>st</sup> centuries - can make some course corrections that will build an even better judiciary.

During this session, the judicial branch will ask you to make the clerk of each circuit court an appointed position. Election of circuit clerks no longer suits the needs of the modern judicial system. As late as when the 1979 constitutional amendment was adopted, circuit clerks were locally paid and had more discretion in the performance of their duties.

Twenty years ago, the General Assembly considered whether circuit clerks ought to be elected. The 1979 constitutional amendment left the matter open. As amended, the Constitution now reads: "Until otherwise provided by law, circuit clerks in each circuit and county shall be selected in the same manner as provided by law on the effective date of this article". The Constitution invites you to address this issue.

Today, circuit clerks are state employees, paid by the state, performing their duties to rigorous state standards. As a result, the position of circuit clerk has fewer and fewer discretionary duties. Missouri law details specifically how case files are handled, the deadlines for action, and how money is collected and disbursed. In contrast, county commissioners, sheriffs, prosecutors - among others - enjoy a great deal of discretion in carrying out their jobs. In accordance with court guidelines, the circuit clerk supervises data processing for the court, coordinates the court's staff, and docket cases for each judge. Additionally, by Missouri statute, circuit clerks must help citizens seeking domestic relations restraining orders, or requesting enforcement of visitation orders.

For those of you with in-district assistants, electing circuit clerks is like electing your in-district assistant. More generally, electing circuit clerks is like electing the Secretary of the Senate and the Clerk of this House. Legislative assistants and your clerks are highly responsible positions that ensure the day-to-day functioning of the General Assembly. They have many administrative duties that do not end when session ends. Your assistants have few discretionary duties, but instead carry out their jobs subject to your direction as the elected decision-maker. No one should seriously recommend that these legislative clerks be elected by the voters of Missouri.

More to the point, there is no training program or background that qualifies a person to be a legislative clerk or district assistant - they have to be appointed to the position and "learn on the job". Similarly, there is no training program or background that qualifies a person to be a circuit clerk, other than on the job experience.

The time has come for Missouri to join the growing number of states that appoint most of their judicial administrators. Missouri spends a great deal of state money and time in order to train newly elected circuit clerks to fulfill the requirements of their jobs. We should not lose a highly trained employee after just four years, often to someone with no background or qualifications for the job.

Last week, I met with the leadership of the Circuit Clerks Association. While there are differences of opinion and degrees of commitment, about two-thirds of the circuit clerks themselves believe that their positions should be appointed. On behalf of the Judicial Conference, I endorse legislation to make the position of circuit clerk appointed rather than elected.



A second structural issue is the position of commissioner in the circuit courts of this state. In commendable efforts, in various areas of the law, the General Assembly has enacted legislation that commissioners, rather than judges, hear certain types of cases. Currently, Missouri law establishes commissioners in certain counties and circuits to hear probate, juvenile, domestic relations, drug-related, traffic-related and landlord/tenant cases. There are now over two dozen (26, to be exact) full-time circuit court commissioners in this state, and a couple of part-time commissioners.

These commissioners have served well, meeting the needs of your constituents in a number of critical areas. Commissioners have gone beyond the courthouses to serve the people, such as in St. Louis County, where traffic court commissioners hear cases all over the county. Juvenile court commissioners hear cases at juvenile centers and other settings away from the main courthouses.

However, as the number of commissioners has multiplied, the challenges to their authority have also increased. The 1979 constitutional amendment simply does not anticipate commissioners acting as judges. Serious questions have been presented to the Supreme Court regarding the authority of circuit court commissioners to sign final court judgments, to issue warrants and to take other judicial action. These questions continue to be raised. In disapproving Senate Bill 614 last year, the Governor questioned the wisdom of extending judicial authority to persons not selected as are other trial court judges.

I am pleased to stand with the Governor and call for the conversion of circuit court commissioners to judges. Conversion could take place no later than the expiration of the current commissioners' terms. This legislation has almost no cost, since commissioners are paid at the same level as judges. Passage of this legislation will eliminate the nagging questions about those who decide the people's cases.

As I travel the state of Missouri as Chief Justice, when I walk the halls of this building, I am frequently asked about court automation. No project will enable the judiciary to better serve your constituents than new court technology. Court automation allows the judicial system to operate efficiently within the structure mandated in 1979. You are to be commended for recognizing the needs of your constituents by enacting and continuing to support the automation of the courts. Missouri is now recognized as the leader in the country in computerizing our law enforcement and courts.

The federal government searched the states last fall for a site to experiment with linking juvenile officers, in order to study the effect on juvenile crime. They quickly settled on Missouri as a model for the nation. Now all juvenile offices through the state are linked. A local juvenile officer can ask all other juvenile officers about the history and status of particular juvenile offenders, in order to tailor services for a specific juvenile. Congress also chose Missouri as the state to pioneer a database that collects background information on juvenile offenders.

Public access to case files on the Internet has made its debut. In Jackson County, the public can access on-line probate information. Court automation is developing a system for all citizens to access court dockets without having to visit the courthouse. The Eastern District of the Court of Appeals will have electronic access to its case files within the next month.

The Eastern District Court of Appeals can have such public access because that court is the first appellate court in America to use the same case management system as is used in the trial courts. Other states' courts have to convert data from the trial courts' systems, to the system used by the appellate court. Missouri has adapted the same case management for both trial courts and appellate courts.

As I reported last year, we are now installing court automation throughout the state. The groundwork has been laid for an automated judicial system that will be the national model for some time to come.

I should address other items before you this year. Several filed bills would exclude various persons from jury service. This issue was addressed in the 1995 report of The Advisory Commission on the Organization of the Judicial Department, a commission appointed by the governor. That Commission noted "jury service is an obligation and privilege of citizenship from which no eligible citizen should be disqualified or exempt." The Commission also said, "The ability to be excused upon request contributes substantially to reducing a representative jury since it is likely that those who can avoid jury service will do so." I request that the General Assembly most carefully consider legislation excluding any person from jury service, in order to preserve one of the great hallmarks of our justice system: the right to trial by a jury representative of the community.

But I do recommend that you lessen the burden of jury service. Juror compensation is a glaring shortfall. The Supreme Court recently hosted a diverse citizen's group of educators, law enforcement, community leaders and others to solicit changes in the judiciary to meet the needs of Missourians into the 21<sup>st</sup> century. This group cited

inadequate juror pay as a major challenge in Missouri justice. This issue was also noted in 1995 by the Governor's Advisory Commission I earlier mentioned. Statutory minimum jury compensation remains \$6 per day, and has been so since 1957 - for over 41 years. Such minimal pay causes many of your constituents to avoid juror service due to the financial hardship of serving on a jury.

Inadequate juror compensation most hurts those called for lengthy jury trials. The National Center for State Courts has proposed that the states adopt legislation that keeps low levels of juror compensation for short service, say 2 or 3 days, but then dramatically increases juror payment for longer service. I am pleased to report that the average length of a jury trial in Missouri is less than 3 days, so an increase in compensation beyond such a point could ease juror hardship while not greatly increasing total jury expenses. Again, I am pleased that proposals to improve jury compensation are serious this year.

I began my remarks by referring to the "life of the law", which is not logic, but is experience. Another definition of law also focuses on experience and links it to the "goal of the law". Samuel Johnson, a non-attorney author, defined law as, "the last result of human wisdom, acting upon human experience, for the benefit of the public." From experience, we know the unified court system of 1979 has well served your constituents for the last 20 years. Experience shows that some course corrections will make the courts even better able to serve the needs of the public for years to come.

Have a great session!

The Joint Session was dissolved by Lieutenant Governor Wilson.

The Speaker resumed the Chair.

#### INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 12, introduced by Representative Kreider, et al, relating to education.

HJR 13, introduced by Representative Chrismer, relating to taxation.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 338, introduced by Representative Koller, relating to the division of motor carrier and railroad safety.

HB 339, introduced by Representative Kreider, et al, relating to the distribution of forfeiture proceeds.

HB 340, introduced by Representatives Ford and Daniels (41), relating to licensed gaming activities.

HB 341, introduced by Representatives Ford and Daniels (41), relating to registration of offenders.

HB 342, introduced by Representatives May (108), O'Toole and Foley, relating to unlawfully entering another's motor vehicle.

HB 343, introduced by Representative Treadway, relating to the division of professional registration.

HB 344, introduced by Representative Green, relating to Sunday sales of liquor.

HB 345, introduced by Representative Reynolds, relating to candidate election filing.

HB 346, introduced by Representative Thompson (37), relating to sales taxation.

HB 347, introduced by Representative Thompson (37), relating to state historic sites.

HB 348, introduced by Representative Smith, relating to juvenile courts.

HB 349, introduced by Representatives Gunn and Boucher, relating to the family development account program.

HB 350, introduced by Representative Crump, et al, relating to the number of associate circuit judges.

HB 351, introduced by Representatives Scheve and Gaw, et al, relating to tax relief.

HB 352, introduced by Representatives Foley, Murray and Selby, relating to municipal fire departments.

HB 353, introduced by Representative Barry, et al, relating to registered nurse first assistants.

HB 354, introduced by Representative Barry, et al, relating to insurance coverage for services of registered nurse first assistants.

HB 355, introduced by Representative Parker, relating to automobile insurance.

HB 356, introduced by Representative Parker, relating to workers' compensation.

HB 357, introduced by Representative Hosmer, relating to jury service.

HB 358, introduced by Representative Hosmer, relating to HIV testing.

HB 359, introduced by Representative Hosmer, relating to endangering the welfare of a child.

HB 360, introduced by Representative Hosmer, relating to fireworks.

HB 361, introduced by Representative Elliott, relating to motor vehicles.

HB 362, introduced by Representatives Crawford and Reinhart, relating to selling a child.

HB 363, introduced by Representative Clayton, relating to motor vehicle insurance.

HB 364, introduced by Representative Clayton, relating to motor vehicle insurance.

HB 365, introduced by Representative Reid, relating to tax relief for campaign contributions for electoral candidates.

HB 366, introduced by Representative Hartzler (123), relating to county collectors.

HB 367, introduced by Representative Cooper, relating to the state highways and transportation department fund.

HB 368, introduced by Representatives Murray and Franklin, relating to salaries of certain state employees.

HB 369, introduced by Representative Murray, relating to claims and warrants for certain appropriations.

HB 370, introduced by Representatives Kissell and Hosmer, et al, relating to confinement of persons without process.

HB 371, introduced by Representatives Hendrickson, Hartzler (124) and Murphy, et al, relating to sales tax exemptions.

HB 372, introduced by Representative Treadway, relating to physical therapists.

HB 373, introduced by Representative Seigfreid, relating to taxation and disabilities.

HB 374, introduced by Representative Chrismer, relating to property assessment.

HB 375, introduced by Representative Chrismer, relating to property taxation.

HB 376, introduced by Representative Chrismer, relating to sales taxation.

HB 377, introduced by Representative Schilling, relating to health care for persons infected with the human immunodeficiency virus.

HB 378, introduced by Representative Schilling, relating to teachers.

HB 379, introduced by Representatives Schilling and Hosmer, relating to motor vehicles.

HB 380, introduced by Representative Schilling, relating to grand jury proceedings.

HB 381, introduced by Representative Schilling, relating to the restraint of dogs in certain counties.

HB 382, introduced by Representatives Van Zandt and Campbell, relating to the sunshine law.

HB 383, introduced by Representative Green, relating to architects, professional engineers and land surveyors.

HB 384, introduced by Representative Lograsso, relating to court commissioners.

#### **COMMITTEE ASSIGNMENTS**

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

**Green, Timothy P., - Chairman**



McLuckie, Steve - Vice Chairman Berkstresser, Judy

Auer, Ron Blunt, Matt

Bonner, Dennis Gross, Chuck

Bray, Joan Hanaway, Catherine

Gratz, William (Bill) Hartzler, Ed

Hampton, Mark Legan, Ken

Liese, Chris Luetkemeyer, Blaine

Monaco, Ralph A. Pouche, Fred

Rizzo, Henry C. Vogel, Carl

Seigfreid, James Wright, Mark

Shelton, O.L.

Wagner, Wes

#### **ETHICS**

Clayton, Robert - Chairman Chrismer, Rich

Days, Rita D. - Vice Chair Lograsso, Don

Harlan, Tim Ostmann, Cindy

May, Brian H. Cierpiot, Connie

McLuckie, Steve

Alter, Bill

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Ransdall has been appointed a member of the Appropriations - Natural and Economic Resources Committee.

Representative King has been appointed a member of the Appropriations - Natural and Economic Resources Committee.

#### **WITHDRAWAL OF HOUSE BILL**

Anne Walker, Chief Clerk

Missouri House of Representatives

Room 307

Missouri State Capitol

Jefferson City MO 65101

January 13, 1999

Dear Ms. Walker:

I respectfully request to withdraw House Bill 207.



Thank you for your assistance.

Sincerely,

/s/ Kelly Parker

State Representative

District 150

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, January 14, 1999.

#### **COMMITTEE MEETINGS**

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Thursday, January 14, 1999. Upon Adjournment if necessary. Hearing Room 8. CANCELLED

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Monday, January 18, 1999, 12:00 pm. Hearing Room 6. Department of Agriculture.

#### **HOUSE CALENDAR**

SIXTH DAY, THURSDAY, JANUARY 14, 1999

#### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 12 and HJR 13

#### **HOUSE BILLS FOR SECOND READING**

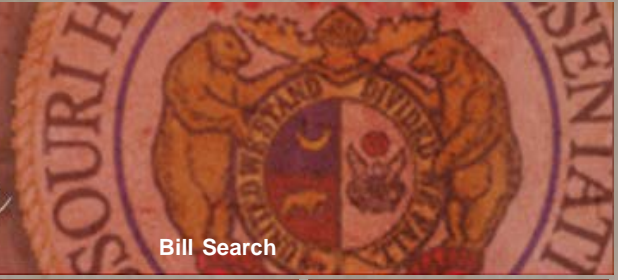
HB 338 through HB 384



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SIXTH DAY, Thursday, January 14, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudolph W. Beard, First Presbyterian Church.

Loving God, as we unite our hearts in this prayer, we ask that You will teach us how to trust in You, and trust in Your truth for our lives.

Forgive us that we are so anxious in all we say and do, to have the approval of others, forgetting that it is Your approval that brings peace and leads to a just society.

Strengthen us and bless this House in its highest values; keep us compassionate, and by Your grace, help us to do better and to be better. And to You be glory and honor now and forever....Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifth day was approved as corrected by the following vote:

AYES: 159

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton 57 Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Loudon Luetkemeyer Purgason

VACANCIES: 001

## **RESOLUTIONS**

Representative Vogel offered House Resolution No. 47.

Representatives Reynolds, Green, George, Hagan-Harrell, Stokan and Reid offered House Resolution No. 48.

Representative Farnen offered House Resolution No. 49.

Representative Dougherty offered House Resolution No. 50.

Representative Gratz, et al, offered House Resolution No. 51.

Representative Gratz offered House Resolution No. 52.

Representative Howerton offered House Resolution No. 53.

Representative Boucher offered House Resolution No. 54 and House Resolution No. 55.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 12** and **HJR 13** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 338** through **HB 384** were read the second time.

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 26** - Criminal Law

**HB 27** - Education - Higher

**HB 28** - Local Government and Related Matters

**HB 29** - Ways and Means

**HB 30** - Social Services, Medicaid and the Elderly

**HB 31** - Public Health

**HB 32** - Motor Vehicle and Traffic Regulations

**HB 33** - Education - Elementary and Secondary

**HB 34** - Insurance

**HB 35** - Urban Affairs

**HB 37** - Education - Elementary and Secondary

**HB 38** - Children, Youth and Families

**HB 39** - Public Health

**HB 41** - Miscellaneous Bills and Resolutions

**HB 42** - Criminal Law

**HB 43** - Local Government and Related Matters

**HB 45** - Civil and Administrative Law

**HB 46** - Criminal Law

**HB 47** - Ways and Means

**HB 48** - Motor Vehicle and Traffic Regulations

**HB 49** - Motor Vehicle and Traffic Regulations

**HB 50** - Motor Vehicle and Traffic Regulations

**HB 51** - Judiciary

**HB 52** - Consumer Protection and Housing

**HB 53** - Environment and Energy

**HB 54** - Education - Elementary and Secondary

**HB 55** - Motor Vehicle and Traffic Regulations

**HB 56** - Education - Elementary and Secondary

**HB 59** - Ways and Means

**HB 60** - Motor Vehicle and Traffic Regulations



**HB 61** - Judiciary  
**HB 62** - Criminal Law  
**HB 65** - Retirement  
**HB 66** - Federal-State Relations and Veterans Affairs  
**HB 67** - Environment and Energy  
**HB 68** - Motor Vehicle and Traffic Regulations  
**HB 69** - Criminal Law  
**HB 70** - Environment and Energy  
**HB 73** - Criminal Law  
**HB 74** - Motor Vehicle and Traffic Regulations  
**HB 75** - Motor Vehicle and Traffic Regulations  
**HB 76** - Civil and Administrative Law  
**HB 77** - Criminal Law  
**HB 78** - Motor Vehicle and Traffic Regulations  
**HB 79** - Agriculture  
**HB 81** - Environment and Energy  
**HB 82** - Criminal Law  
**HB 83** - Retirement  
**HB 84** - Retirement  
**HB 85** - Criminal Law  
**HB 86** - Correctional and State Institutions  
**HB 87** - Insurance  
**HB 88** - Criminal Law  
**HB 89** - Social Services, Medicaid and the Elderly  
**HB 90** - Education - Elementary and Secondary  
**HB 91** - Consumer Protection and Housing  
**HB 92** - Social Services, Medicaid and the Elderly  
**HB 93** - Ways and Means  
**HB 94** - Public Health  
**HB 95** - Civil and Administrative Law  
**HB 96** - Public Health  
**HB 97** - Local Government and Related Matters  
**HB 98** - Elections  
**HB 99** - Judiciary  
**HB 100** - Civil and Administrative Law

#### **COMMITTEE ASSIGNMENTS**

#### **ACCOUNTS, OPERATIONS, AND FINANCE**

**Skaggs, Bill C**

Bray, Joan V

Boatright, Matt  
Days, Rita D.  
Froelker, James V.  
Gratz, William (Bill)  
Harlan, Tim  
Kelley, Pat  
Long, Beth L.  
Luetkenhaus, Bill  
McLuckie, Steve  
Reinhart, Annie  
Ross, Carson  
Scott, Delbert  
Surface, Chuck  
Troupe, Charles Quincy  
Van Zandt, Tim  
Wiggins, Gary

#### **AGRI-BUSINESS**

##### **Williams, Marilyn A. C**

Lawson, Maurice V  
Luetkenhaus, Bill  
Ballard, Charles  
Berkowitz, Sam  
Black, Lanie  
Boatright, Matt  
Davis, D. J.  
Farnen, Ted  
Hilgemann, Robert  
Howerton, Jim  
Klindt, David  
Legan, Kenneth  
McBride, Jerry E.  
Merideth III, Denny J.  
Myers, Peter  
Parker, Kelly  
Schwab, David  
Seigfreid, James

#### **AGRICULTURE**

##### **Leake, Sam C**

Wiggins, Gary V  
Hampton, Mark

Barnett, Rex  
Britt, Phillip M.  
Clayton, Robert  
Fitzwater, Rodger  
Graham, James E  
Gratz, William (Bill)  
Hartzler, Vicky  
Hegeman, Daniel J.  
King, Jerry R  
Koller, Don  
Overschmidt, Francis S.  
Pryor, Charles R.  
Ransdall, Bill L.  
Relford, Randall H.  
Robirds, Estel  
Sallee, Mary Lou  
Smith, Philip  
Summers, Don  
Townley, Merrill M.

**APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

**Lakin, Scott C**

Days, Rita D. V  
Fraser, Barbara  
Williams, Deleta  
Abel, Mark C.  
Bennett, Jon  
Burton, Gary L.  
Davis, D. J.  
Farnen, Ted  
Graham, Chuck  
Hagan-Harrell, Mary M.  
Harlan, Tim  
Hollingsworth, Katherine  
Klindt, David  
Levin, David  
Linton, William C.  
Luetkenhaus, Bill  
Marble, Gary  
Mays, Carol Jean  
Ostmann, Cindy

Purgason, Chuck

Secrest, Patricia K.

Summers, Don

Tudor, Bill

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

##### **Green, Timothy P. C**

McLuckie, Steve V

Bonner, Dennis

Auer, Ron

Berkstresser, Judy

Blunt, Matt

Bray, Joan

Gratz, William (Bill)

Gross, Charles

Hampton, Mark

Hanaway, Catherine L

Hartzler, Ed

Legan, Kenneth

Liese, Chris

Luetkemeyer, Blaine

Monaco, Ralph A.

Pouche, Fred

Rizzo, Henry C.

Schwab, David

Seigfreid, James

Shelton, O.L.

Vogel, Carl

Wagner, Wes

Wright, Mark

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

##### **Carter, Paula J. C**

Schilling, Mike V

Smith, Philip

Barnett, Rex

Boykins, Amber (Holly)

Enz, Catherine S.

Hohulin, Martin (Bubs)

Lawson, Maurice

Miller, Ronnie

Naeger, Patrick A.



O'Connor, Patrick

Reid, Michael J.

Reynolds, David L.

Sallee, Mary Lou

Shields, Charles W.

Skaggs, Bill

Van Zandt, Tim

Wilson, Vicky Riback

#### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

##### **Scheve, May C**

Williams, Marilyn A. V

Ransdall, Bill L.

Bartelsmeyer, Linda

Boatright, Matt

Britt, Phillip M.

Champion, Norma

Cooper, Bonnie Sue

Daniel, Lloyd

Fitzwater, Rodger

Foster, Bill I.

George, Thomas

Graham, James E.

Griesheimer, John E.

Hegeman, Daniel J.

Kennedy, Harry

King, Jerry R.

Kissell, Don R.

McBride, Jerry E.

McClelland, Emmy L.

Myers, Peter

Relford, Randall H.

Thompson, Vernon

Townley, Merrill M.

Treadway, Joseph L.

Wiggins, Gary

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

##### **Troupe, Charles Quincy C**

Kelly, Glenda V

Barry, Joan

Bartle, Matt

Parker, Kelly  
Thompson, Betty  
Black, Lanie  
Boucher, Bill  
Campbell, Marsha  
Chrismer, Rich  
Cierpiot, Connie J.  
Crawford, Larry  
Daniels, Fletcher  
Davis, Dorathea  
Dougherty, Patrick  
Evans, Brent  
Foley, James Michael  
Gibbons, Michael R.  
Gunn, Russell  
Hilgemann, Robert  
Holand, Roy W.  
Kasten, Mary C.  
Kelley, Pat  
Murray, Dana L.  
Nordwald, Charles  
Purgason, Chuck  
Reinhart, Annie  
Stokan, Lana Ladd

#### **BANKS AND FINANCIAL INSTITUTIONS**

##### **Liese, Chris C**

Troupe, Charles Quincy V  
Hoppe, Thomas  
Backer, Gracia Y.  
Ballard, Charles  
Burton, Gary L.  
Carter, Paula J.  
Cooper, Bonnie Sue  
Elliott, T. Mark  
Ford, Louis H.  
Franklin, Richard  
Graham, James E.  
Green, Timothy P.  
Hartzler, Ed  
Hohulin, Martin (Bubs)

Howerton, Jim

Kennedy, Harry

Kissell, Don R.

Koller, Don

Linton, William C.

Long, Beth L.

Luetkemeyer, Blaine

O'Connor, Patrick

Richardson, Mark L.

Skaggs, Bill

Surface, Chuck

Treadway, Joseph L.

Williams, Marilyn A.

## **BUDGET**

### **Franklin, Richard C**

Williams, Deleta V

Williams, Marilyn A.

Bray, Joan

Burton, Gary L.

Carter, Paula J.

Chrismer, Rich

Cooper, Bonnie Sue

Crawford, Larry

Ford, Louis H.

Foster, Bill I.

Graham, James E.

Green, Timothy P.

Gross, Charles

Gunn, Russell

Harlan, Tim

Hegeman, Daniel J.

Hohulin, Martin (Bubs)

Holand, Roy W.

Kelley, Pat

Kelly, Glenda

Lakin, Scott

Leake, Sam

Legan, Kenneth

Linton, William C.

McClelland, Emmy L.

McLuckie, Steve

Patek, Jewell

Rizzo, Henry C.

Scheve, May

Schilling, Mike

Schwab, David

Shelton, O.L.

Shields, Charles W.

Thompson, Vernon

Troupe, Charles Quincy

Van Zandt, Tim

Vogel, Carl

## **CHILDREN, YOUTH, AND FAMILIES**

### **Doughtery, Patrick C**

Wilson, Vicky Riback V

Fraser, Barbara

Selby, Harold R.

Boucher, Bill

Days, Rita D.

Gambaro, Derio L.

Hanaway, Catherine L.

Hollingsworth, Katherine

Kasten, Mary C.

Kelley, Pat

Luetkemeyer, Blaine

McClelland, Emmy L.

Monaco, Ralph A.

Myers, Peter

Ridgeway, Luann

Thompson, Betty

Wright, Mark

## **CIVIL AND ADMINISTRATIVE LAW**

### **Smith, Philip C**

Monaco, Ralph A. V

Ward, Dan

Akin, W. Todd

Barry, Joan

Bartle, Matt

Davis, D. J.



Gaskill, Sam  
Gibbons, Michael R.  
Hendrickson, Carl  
Hoppe, Thomas  
Hosmer, Craig  
Kelly, Glenda  
Levin, David  
Murray, Dana L.  
Parker, Kelly  
Ridgeway, Luann  
Townley, Merrill M.

**COMMERCE**

**Rizzo, Henry C. C**

Bonner, Dennis V  
Carter, Paula J.  
Bartelsmeyer, Linda  
Black, Lanie  
Blunt, Matt  
Boatright, Matt  
Cierpiot, Connie J.  
Cooper, Bonnie Sue  
Daniels, Fletcher  
Gratz, William (Bill)  
Hoppe, Thomas  
Kasten, Mary C.  
Kelly, Glenda  
Kennedy, Harry  
Lakin, Scott  
Marble, Gary  
Mays, Carol Jean  
Pouche, Fred  
Pryor, Charles R.  
Relford, Randall H.  
Sallee, Mary Lou  
Scheve, May  
Seigfreid, James  
Shelton, O.L.  
Thompson, Vernon  
Tudor, Bill  
Vogel, Carl

## **CONSUMER PROTECTION AND HOUSING**

### **Schilling, Mike C**

Graham, Chuck V

Bray, Joan

Fraser, Barbara

Kissell, Don R.

Selby, Harold R.

Stokan, Lana Ladd

Alter, Bill

Boucher, Bill

Davis, D. J.

Dougherty, Patrick

Levin, David

Lograsso, Don

Murphy, Jim

Myers, Peter

Ostmann, Cindy

Reid, Michael J.

Vogel, Carl

## **CORRECTIONAL & STATE INSTITUTIONS**

### **Gratz, William (Bill) C**

Hosmer, Craig V

Boykins, Amber (Holly)

Thompson, Betty

Ward, Dan

Ballard, Charles

Crawford, Larry

Gaskill, Sam

Hampton, Mark

Kasten, Mary C.

Lawson, Maurice

Nordwald, Charles

Overschmidt, Francis S.

Parker, Kelly

Relford, Randall H.

Robirds, Estel

Townley, Merrill M.

Wright, Mark

## **CRIMINAL LAW**

### **Hosmer, Craig C**

Parker, Kelly V  
Boykins, Amber (Holly)  
Alter, Bill  
Barnett, Rex  
Britt, Phillip M.  
Campbell, Marsha  
Clayton, Robert  
Crawford, Larry  
Davis, Dorathea  
Dolan, Jonathan  
Fitzwater, Rodger  
Gibbons, Michael R.  
Graham, Chuck  
Hanaway, Catherine L.  
Loudon, John  
McKenna, Ryan Glennon  
Ridgeway, Luann

#### **CRITICAL ISSUES**

##### **Harlan, Tim C**

Kelly, Glenda V  
Abel, Mark C.  
Akin, W. Todd  
Boykins, Amber (Holly)  
Carter, Paula J.  
Fitzwater, Rodger  
Foley, James Michael  
Froelker, James V.  
Hartzler, Vicky  
Kelley, Pat  
Lakin, Scott  
Levin, David  
Loudon, John  
McLuckie, Steve  
Naeger, Patrick A.  
Patek, Jewell  
Reinhart, Annie  
Smith, Philip  
Stokan, Lana Ladd  
Townley, Merrill M.  
Troupe, Charles Quincy

Williams, Deleta

## **EDUCATION - ELEMENTARY AND SECONDARY**

### **Fitzwater, Rodger C**

Kelly, Glenda V

Bartelsmeyer, Linda

Berkowitz, Sam

Britt, Phillip M.

Cierpiot, Connie J.

Davis, D. J.

Days, Rita D.

Franklin, Richard

Gambaro, Derio L.

Hagan-Harrell, Mary M.

Hartzler, Vicky

Holand, Roy W.

Lawson, Maurice

Levin, David

McClelland, Emmy L.

McLuckie, Steve

Miller, Ronnie

Patek, Jewell

Relford, Randall H.

Sallee, Mary Lou

Shields, Charles W.

## **EDUCATION - HIGHER**

### **Farnen, Ted C**

Campbell, Marsha V

Abel, Mark C.

Barnett, Rex

Bennett, Jon

Champion, Norma

Daniel, Lloyd

Days, Rita D.

Hagan-Harrell, Mary M.

Hilgemann, Robert

Kasten, Mary C.

Klindt, David

Sallee, Mary Lou

Scheve, May

Schilling, Mike



Secrest, Patricia K.  
Shields, Charles W.  
Summers, Don  
Williams, Deleta  
Wilson, Vicky Riback

## **ELECTIONS**

### **Days, Rita D. C**

Seigfreid, James V  
Carter, Paula J.  
Clayton, Robert  
Leake, Sam  
May, Brian H.  
O'Toole, James P.  
Alter, Bill  
Bartelsmeyer, Linda  
Blunt, Matt  
Enz, Catherine S.  
Farnen, Ted  
Fitzwater, Rodger  
Hanaway, Catherine L.  
Hendrickson, Carl  
Long, Beth L.  
Patek, Jewell  
Shelton, O.L.

## **ENVIRONMENT AND ENERGY**

### **Wiggins, Gary C**

Ransdall, Bill L. V  
Akin, W. Todd  
Barry, Joan  
Berkowitz, Sam  
Bray, Joan  
Crawford, Larry  
Dougherty, Patrick  
Griesheimer, John E.  
Gunn, Russell  
Howerton, Jim  
Klindt, David  
Linton, William C.  
Luetkenhaus, Bill  
Marble, Gary

Schilling, Mike

Secrest, Patricia K.

Thompson, Betty

## **ETHICS**

### **Clayton, Robert C**

Days, Rita D. V

McLuckie, Steve

Alter, Bill

Chrismer, Rich

Cierpiot, Connie J.

Harlan, Tim

Lograsso, Don

May, Brian H.

Ostmann, Cindy

## **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

### **Boucher, Bill C**

Reynolds, David L. V

Hampton, Mark

Wagner, Wes

Black, Lanie

Dolan, Jonathan

Fitzwater, Rodger

Graham, Chuck

Hartzler, Ed

Merideth III, Denny J.

Pouche, Fred

Ransdall, Bill L.

Surface, Chuck

Tudor, Bill

## **FISCAL REVIEW**

### **Backer, Gracia Y. C**

Carter, Paula J. V

Franklin, Richard

Gunn, Russell

Harlan, Tim

McLuckie, Steve

Wiggins, Gary

Hartzler, Vicky

Howerton, Jim

Marble, Gary

Myers, Peter

Purgason, Chuck

Summers, Don

## **GOVERNMENTAL ORGANIZATION AND REVIEW**

### **Murray, Dana L. C**

Graham, Chuck V

Berkstresser, Judy

Boatright, Matt

Gaskill, Sam

Hartzler, Ed

Hendrickson, Carl

Hickey, John

Hoppe, Thomas

Ransdall, Bill L.

Williams, Marilyn A.

## **INSURANCE**

### **Auer, Ron C**

Gunn, Russell V

Abel, Mark C.

Burton, Gary L.

Elliott, T. Mark

George, Thomas E.

Green, Timothy P.

Hartzler, Ed

Liese, Chris

Linton, William C.

Loudon, John

Luetkemeyer, Blaine

Monaco, Ralph A.

Pouche, Fred

Selby, Harold R.

Surface, Chuck

Treadway, Joseph L.

Ward, Dan

## **JUDICIARY**

### **May, Brian H. C**

Harlan, Tim V

Bartle, Matt

Carter, Paula J.

Clayton, Robert

Gibbons, Michael R.  
Hanaway, Catherine L.  
Hollingsworth, Katherine  
Hosmer, Craig  
Lograsso, Don  
Monaco, Ralph A.  
O'Toole, James P.  
Parker, Kelly  
Pryor, Charles R.  
Richardson, Mark L.  
Ridgeway, Luann  
Smith, Philip  
Summers, Don

**LABOR**

**Hickey, John C**

Davis, Dorathea V  
Wagner, Wes  
Bennett, Jon  
Bonner, Dennis  
Champion, Norma  
Evans, Brent  
Foster, Bill I.  
Gaskill, Sam  
George, Thomas E.  
Kennedy, Harry  
Loudon, John  
Marble, Gary  
May, Brian H.  
McKenna, Ryan Glennon  
Murphy, Jim  
Murray, Dana L.  
O'Connor, Patrick  
Reynolds, David L.  
Secrest, Patricia K.

**LOCAL GOVERNMENT AND RELATED MATTERS**

**Hoppe, Thomas C**

Reynolds, David L. V  
George, Thomas E.  
Berkstresser, Judy  
Bonner, Dennis



Cooper, Bonnie Sue

Dolan, Jonathan

Enz, Catherine S.

Griesheimer, John E.

Lakin, Scott

Marble, Gary

Murray, Dana L.

Overschmidt, Francis S.

Rizzo, Henry C.

Robirds, Estel

Ross, Carson

Seigfreid, James

Wagner, Wes

#### **MISCELLANEOUS BILLS AND RESOLUTIONS**

##### **O'Toole, James P. C**

Barry, Joan V

Foley, James Michael

O'Connor, Patrick

Akin, W. Todd

Ballard, Charles

Bennett, Jon

Davis, Dorathea

Dolan, Jonathan

Froelker, James V.

Hoppe, Thomas

Kissell, Don R.

Luetkenhaus, Bill

Nordwald, Charles

Wright,Mark

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

##### **O'Connor, Patrick C**

Van Zandt, Tim V

Fraser, Barbara

Williams, Deleta

Backer, Gracia Y.

Barnett, Rex

Blunt, Matt

Koller, Don

Legan, Kenneth

Nordwald, Charles

Ostmann, Cindy

Ross, Carson

Schwab, David

Treadway, Joseph L.

Williams, Marilyn A.

#### **MUNICIPAL CORPORATIONS**

##### **Shelton, O.L. C**

Kennedy, Harry V

Gambaro, Derio L.

George, Thomas E.

Bennett, Jon

Carter, Paula J.

Dougherty, Patrick

Enz, Catherine S.

Evans, Brent

Gross, Charles

Gunn, Russell

Levin, David

Loudon, John

May, Brian H.

McClelland, Emmy L.

Murphy, Jim

O'Toole, James P.

Troupe, Charles Quincy

#### **PROFESSIONAL REGISTRATION & LICENSING**

##### **Treadway, Joseph L. C**

O'Connor, Patrick V

Barry, Joan

Chrismer, Rich

Dolan, Jonathan

Enz, Catherine S.

Foley, James Michael

Holand, Roy W.

Koller, Don

McBride, Jerry E.

Nordwald, Charles

Reynolds, David L.

Schwab, David

#### **PUBLIC HEALTH**

**Stokan, Lana Ladd C**

Barry, Joan V

Selby, Harold R.

Cierpiot, Connie J.

Dougherty, Patrick

Evans, Brent

Ford, Louis H.

Holand, Roy W.

Miller, Ronnie

O'Connor, Patrick

Ross, Carson

Townley, Merrill M.

Williams, Deleta

**PUBLIC SAFETY AND LAW ENFORCEMENT****Kissell, Don R. C**

Parker, Kelly V

Britt, Phillip M.

Davis, Dorathea

Hampton, Mark

McKenna, Ryan Glennon

Murray, Dana L.

Ward, Dan

Alter, Bill

Barnett, Rex

Gaskill, Sam

King, Jerry R.

Reid, Michael J

Reinhart, Annie

Ross, Carson

**RETIREMENT****Hagan-Harrell, Mary M. C**

Davis, D. J. V

Auer, Ron

Elliott, T. Mark

Foster, Bill I.

Franklin, Richard

Hendrickson, Carl

King, Jerry R.

O'Toole, James P.

Schwab, David

Skaggs, Bill

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

**Crump, Wayne F. C**

Foley, James Michael V

Backer, Gracia Y.

Leake, Sam

Murray, Dana L.

Days, Rita D.

Gibbons, Michael R.

Harlan, Tim

Hickey, John

Hohulin, Martin (Bubs)

Kreider, Jim

Legan, Kenneth

Lograsso, Don

Long, Beth L.

May, Brian H.

McClelland, Emmy L.

Naeger, Patrick A.

Pryor, Charles R.

Scheve, May

Shields, Charles W.

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

**Gunn, Russell C**

Hollingsworth, Katherine V

Berkowitz, Sam

Berkstresser, Judy

Britt, Phillip M.

Gambaro, Derio L.

Hartzler, Vicky

Hilgemann, Robert

Holand, Roy W.

Luetkemeyer, Blaine

Monaco, Ralph A.

Naeger, Patrick A.

Purgason, Chuck

Reinhart, Annie

Thompson, Betty

Tudor, Bill

Ward, Dan



Wilson, Vicky Riback

## **STATE PARKS, NATURAL RESOURCES & MINING**

### **McBride, Jerry E. C**

Relford, Randall H. V

Fraser, Barbara

Selby, Harold R.

Ballard, Charles

Foster, Bill I.

Hickey, John

Klindt, David

Long, Beth L.

Miller, Ronnie

Ostmann, Cindy

Overschmidt, Francis S.

Purgason, Chuck

Ransdall, Bill L.

Wagner, Wes

## **TOURISM, RECREATION AND CULTURAL AFFAIRS**

### **Overschmidt, Francis S. C**

Daniel, Lloyd V

McKenna, Ryan Glennon

Berkstresser, Judy

Champion, Norma

Franklin, Richard

Gambaro, Derio L.

Gross, Charles

Hampton, Mark

Howerton, Jim

Koller, Don

Leake, Sam

Long, Beth L.

Luetkemeyer, Blaine

Pryor, Charles R.

Robirds, Estel

Thompson, Betty

Ward, Dan

## **TRANSPORTATION**

### **Koller, Don C**

Bray, Joan V

Boykins, Amber (Holly)

Auer, Ron  
Bartelsmeyer, Linda  
Bennett, Jon  
Berkstresser, Judy  
Black, Lanie  
Blunt, Matt  
Graham, Chuck  
Green, Timothy P.  
Griesheimer, John E.  
Hollingsworth, Katherine  
Lakin, Scott  
Leake, Sam  
Mays, Carol Jean  
McKenna, Ryan Glennon  
Ostmann, Cindy  
Patek, Jewell  
Pryor, Charles R.  
Schwab, David  
Seigfreid, James  
Thompson, Vernon  
Tudor, Bill

**URBAN AFFAIRS**

**Thompson, Vernon C**

Van Zandt, Tim V  
Bartle, Matt  
Campbell, Marsha  
Hartzler, Ed  
Lakin, Scott  
Pouche, Fred  
Ridgeway, Luann  
Rizzo, Henry C.  
Skaggs, Bill  
Tudor, Bill

**UTILITIES REGULATION**

**Mays, Carol Jean C**

O'Toole, James P. V  
Green, Timothy P.  
Hilgemann, Robert  
Kelly, Glenda  
Rizzo, Henry C.

Boucher, Bill

Burton, Gary L.

Crawford, Larry

Evans, Brent

Gross, Charles

Hegeman, Daniel J.

Leake, Sam

Miller, Ronnie

Robirds, Estel

Smith, Philip

Treadway, Joseph L.

Wright, Mark

#### **WAYS AND MEANS**

**Bray, Joan C**

Van Zandt, Tim V

Akin, W. Todd

Campbell, Marsha

Daniel, Lloyd

Froelker, James V.

Gibbons, Michael R.

Hegeman, Daniel J.

Hilgemann, Robert

Hohulin, Martin (Bubs)

Kennedy, Harry

Lograsso, Don

Mays, Carol Jean

McBride, Jerry E.

Reid, Michael J.

Richardson, Mark L.

Schilling, Mike

Vogel, Carl

Wiggins, Gary

Wilson, Vicky Riback

#### **WORKERS COMPENSATION AND EMPLOYMENT SECURITY**

**Luetkenhaus, Bill C**

Reynolds, David L. V

Ballard, Charlie

Davis, Dorathea

Foster, Bill I.

Green, Timothy P.

Hagan-Harrell, Mary M.

Loudon, John

May, Brian H.

Purgason, Chuck

Secrest, Patricia K.

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative O'Toole is no longer a member of the Appropriations-Natural and Economic Resources Committee.

Representative George has been appointed a member of the Appropriations-Natural and Economic Resources Committee.

#### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 14**, introduced by Representative Reynolds, relating to taxation.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 385**, introduced by Representative Linton, relating to governmental records.

**HB 386**, introduced by Representative Linton, relating to public school programs.

**HB 387**, introduced by Representative Linton, relating to the powers of local school boards.

**HB 388**, introduced by Representative Hoppe, relating to certain businesses licensed to sell intoxicating liquor.

**HB 389**, introduced by Representatives Overschmidt and Hoppe, relating to annexation procedures.

**HB 390**, introduced by Representative Riback Wilson, relating to the Missouri Family Trust.

**HB 391**, introduced by Representatives Riback Wilson and Harlan, et al, relating to weapons offenses.

**HB 392**, introduced by Representative Shields, relating to sales and use taxation.

**HB 393**, introduced by Representative Shields, relating to sales taxation.

**HB 394**, introduced by Representative Shields, relating to sales taxes.

**HB 395**, introduced by Representative Shields, relating to criminal procedure.

**HB 396**, introduced by Representative Shields, relating to certain expenditures of public funds.

**HB 397**, introduced by Representative Auer, relating to automobile insurance coverage of loaned vehicles.

**HB 398**, introduced by Representative Mays (50), relating to mediation for denial of grandparent visitation.

**HB 399**, introduced by Representative Bray, relating to filing and payment of use taxes.

**HB 400**, introduced by Representative McLuckie, relating to the environmental improvement and energy resources authority.

**HB 401**, introduced by Representatives Barry and Backer, et al, relating to screening for hearing loss in newborns.

**HB 402**, introduced by Representatives Relford, Seigfreid and Farnen, et al, relating to county clerks.

**HB 403**, introduced by Representative Ridgeway, relating to farmland.

**HB 404**, introduced by Representative Gross, et al, relating to offenses against the person.

**HB 405**, introduced by Representatives Foley, Days, O'Toole, Murray, Treadway, Hickey, Green and George, et al, relating to tax credits for home renovation and development in certain areas.



**HB 406**, introduced by Representative Mays (50), relating to penalties for violation of public service commission orders.

**HB 407**, introduced by Representative Robirds, relating to changes in county classification.

**HB 408**, introduced by Representative Robirds, relating to motor vehicle license plate replacement.

**HB 409**, introduced by Representative McBride, relating to dentists.

**HB 410**, introduced by Representative Pouche, relating to assessment of real and personal property taxes.

**HB 411**, introduced by Representative Parker, relating to death certificates.

**HB 412**, introduced by Representatives Foley and Murray, relating to fire protection districts.

**HB 413**, introduced by Representatives Smith and Relford, relating to the number of authorized personnel for the state highway patrol.

**HB 414**, introduced by Representatives Bartle, Wright, Hanaway, Tudor and Black, relating to motor vehicle safety inspections.

**HB 415**, introduced by Representatives Vogel and Gratz, relating to employment and educational opportunities for selective service registrants.

**HB 416**, introduced by Representatives Kissell and O'Connor, et al, relating to physicians and surgeons.

**HB 417**, introduced by Representative Bonner, relating to offenses against the family.

**HB 418**, introduced by Representatives Ward and Boucher, et al, relating to public holidays.

**HB 419**, introduced by Representative Hagan-Harrell, relating to retirement benefits for members of the general assembly.

**HB 420**, introduced by Representative Hagan-Harrell, relating to managed care.

**HB 421**, introduced by Representatives Schilling and Hosmer, et al, relating to liquor control.

**HB 422**, introduced by Representatives Schilling, Hosmer, Holand and Blunt, et al, relating to drunk driving.

**HB 423**, introduced by Representatives Schilling, Hosmer and Holand, et al, relating to liquor.

**HB 424**, introduced by Representatives Schilling, Hilgemann, Riback Wilson, Bray, Daniel (42), McLuckie and Troupe, et al, relating to repealing the death penalty.

**HB 425**, introduced by Representatives Schilling, Riback Wilson, Hosmer, Bray and Daniel (42), et al, relating to murder.

**HB 426**, introduced by Representatives Ridgeway and May (108), relating to children.

**HB 427**, introduced by Representatives Luetkenhaus, Gratz, O'Connor, Treadway, Barry, Cierpiot, Chrismer and Gross, et al, relating to offenses against the person.

**HB 428**, introduced by Representatives May (108), Luetkenhaus, Clayton and O'Toole, relating to the registration of certain offenders.

**HB 429**, introduced by Representatives Hosmer, Kelly (27) and Hoppe, relating to fire protection districts.

**HB 430**, introduced by Representatives Gaw, Kreider, Crump, Foley, Days, Scheve, Murray, Franklin, Carter, McLuckie and Lakin, relating to the sole purpose of creating the Missouri tobacco settlement trust fund for certain anti-smoking education and health care services.

#### **ADJOURNMENT**

On motion of Representative Foley, the House adjourned until 4:00 p.m., Monday, January 18, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifth Day, Wednesday, January 13, 1999, page 115, roll call, by showing Representatives Hagan-Harrell, Hosmer, Kasten, Kelly (27) and Myers voting "aye" rather than "absent with leave".

Pages 115 and 116, roll call, by showing Representatives Hagan-Harrell, Hickey, Hoppe, Luetkenhaus, Murphy and O'Toole voting "aye" rather than "absent with leave".

Pages 117 and 118, roll call, by showing Representatives Boatright, Cierpiot, Crawford, Gross, Luetkenhaus, O'Toole and Parker voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 19, 1999, 2:00 pm. Hearing Room 9.

Presentation by MODOT'S Director Joe Mickes and Commissioner S. Lee Kling.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Monday, January 18, 1999, 12:00 pm. Hearing Room 6. Department of Agriculture.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Tuesday, January 19, 1999. Hearing Room 6 immediately upon adjournment.

Proposal from Marceline, Missouri. Other public testimony.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Wednesday, January 20, 1999. Hearing Room 6 immediately upon adjournment.

Review Governor's recommendations.

## **HOUSE CALENDAR**

SEVENTH DAY, MONDAY, JANUARY 18, 1999

### **HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 14

### **HOUSE BILLS FOR SECOND READING**

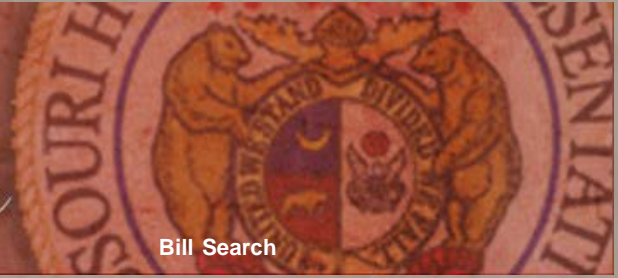
HB 385 through HB 430



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

SEVENTH DAY, Monday, January 18, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Pat Kelley.

Let us pray. Gracious God, as we begin another week, we thank You for the gift of life of our families and friends and ask You, that what we do is pleasing and acceptable in your sight. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Alyson Baker, Sydney Schaeffer and Calli Schaeffer.

The Journal of the sixth day was approved as printed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Black Blunt Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hosmer Howerton Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble Mays 50 McBride  
McClelland McKenna McLuckie Merideth Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Ransdall Reid  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

RESENT: 000

ABSENT WITH LEAVE: 014

Berkstresser Boatright Days Hoppe Kasten  
May 108 Miller Purgason Reinhart Scott  
Secrest Thompson 37 Thompson 72 Troupe

VACANCIES: 001

## **RESOLUTIONS**

Representative Kreider offered House Resolution No. 56.  
Representative Harlan offered House Resolution No. 57.  
Representative Purgason offered House Resolution No. 58 and House Resolution No. 59.  
Representative McClelland offered House Resolution No. 60.  
Representative Gratz offered House Resolution No. 61 and House Resolution No. 62.

## **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 14** was read the second time.

## **SECOND READING OF HOUSE BILLS**



**HB 385** through **HB 430** were read the second time.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 431**, introduced by Representative Hagan-Harrell, relating to the unlawful use of firearms.

**HB 432**, introduced by Representative Hagan-Harrell, relating to the board of trustees for the Missouri state employees' retirement system.

**HB 433**, introduced by Representative Levin, relating to campaign finance.

**HB 434**, introduced by Representative Levin, et al, relating to family and student privacy.

**HB 435**, introduced by Representative Levin, et al, relating to certain business practices.

**HB 436**, introduced by Representative Levin, et al, relating to open meetings of certain political subdivisions.

**HB 437**, introduced by Representative Levin, et al, relating to charter cities.

**HB 438**, introduced by Representative Levin, et al, relating to scenic byways.

**HB 439**, introduced by Representative Levin, et al, relating to tax increment financing projects.

**HB 440**, introduced by Representatives McClelland and Ostmann, relating to driver's licenses.

**HB 441**, introduced by Representatives Riback Wilson, Mays (50), Campbell, Van Zandt, Lakin and McClelland, relating to the disclosure of employment information.

**HB 442**, introduced by Representative Reynolds, relating to sales to students.

**HB 443**, introduced by Representative Green, relating to motor vehicles.

**HB 444**, introduced by Representatives Backer and Koller, et al, relating to traffic regulations.

**HB 445**, introduced by Representative Auer, relating to reporting certain medical malpractice insurance claims

**HB 446**, introduced by Representative Auer, relating to the use of certain insurance company work papers in examinations by the department of insurance.

**HB 447**, introduced by Representative Kissell, relating to local traffic ordinances.

**HB 448**, introduced by Representative Kissell, relating to motor vehicles.

**HB 449**, introduced by Representative Rizzo, relating to certain police retirement systems.

**HB 450**, introduced by Representatives Relford and Wiggins, et al, relating to authorization of additional state bonds.

**HB 451**, introduced by Representative Graham (24), relating to elections.

**HB 452**, introduced by Representative Boatright, et al, relating to driver's licenses.

**HB 453**, introduced by Representatives Gross and May (108), relating to public records.

**HB 454**, introduced by Representatives Carter and Boykins, relating to the cancer information reporting system.

**HB 455**, introduced by Representative Elliott, relating to offenses against public order.

**HB 456**, introduced by Representative Fitzwater, et al, relating to public schools.

**HB 457**, introduced by Representative Skaggs, relating to jury trials in death penalty cases.

**HB 458**, introduced by Representative Hagan-Harrell, relating to the school calendar.

**HB 459**, introduced by Representatives O'Toole and May (108), relating to retirement benefits for members of certain firemen's retirement system.

**HB 460**, introduced by Representatives O'Toole, May (108), Shelton, Ford and Boykins, et al, relating to health and welfare.

**HB 461**, introduced by Representative O'Toole, relating to special education students.

**HB 462**, introduced by Representatives Bartle, Kelley (47), Ross and Cierpiot, relating to academic assessments.

**HB 463**, introduced by Representatives Bartle, Kelley (47), Ross and Cierpiot, relating to payment of school tuition.

The following members' presence were noted: Scott, Miller, Boatright, Berkstresser and Reinhart.

## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, January 19, 1999.

## **COMMITTEE MEETINGS**

### **ACCOUNTS, OPERATIONS, AND FINANCE**

Tuesday, January 19, 1999. Hearing Room 2 upon morning adjournment.

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 19, 1999, 2:00 pm. Hearing Room 9. Presentation by  
MODOT'S Director Joe Mickes and Commissioner S. Lee Kling.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Tuesday, January 19, 1999. Hearing Room 6 immediately upon adjournment.  
Proposal from Marceline, MO. Other public testimony.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Wednesday, January 20, 1999. Hearing Room 8 immediately upon adjournment.  
Review Governor's recommendations. CORRECTED NOTICE.

### **BUDGET**

Thursday, January 21, 1999, 9:00 am. Hearing Room 9. Organizational  
meeting. Presentation by Mark Ward/FY 2000 Budget overview.

### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, January 20, 1999, 8:00 pm. Hearing Room 8. Presentation of  
Missouri Kids Count 97-98. Introduction/ Orientation.  
To be considered - HB 38

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, January 19, 1999, 3:00 pm. Hearing Room 8. Reorganizational  
meeting.

### **EDUCATION - HIGHER**

Wednesday, January 20, 1999, 3:00 pm. Hearing Room 9. Organizational  
meeting. Revised Notice. (Hearing Room change.)

## **HOUSE CALENDAR**

EIGHTH DAY, TUESDAY, JANUARY 19, 1999

## **HOUSE BILLS FOR SECOND READING**

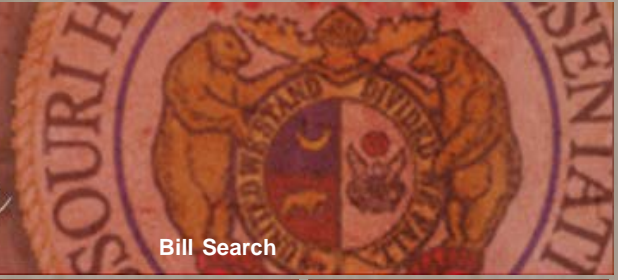
HB 431 through HB 463



Missouri House of Representatives

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## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

EIGHTH DAY, Tuesday, January 19, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Bill Skaggs.

Let us pray. Father, I thank You for this day. Father, I thank You for the many blessings You bestowed upon us. Father, I thank You for our families and comfort those that have lost loved ones and Father, as we go through life and apply Your scriptures, (Micah 6:8), where You tell us to seek justice, love, mercy and walk humbly. Father, I ask this in Your precious Son's name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Joey Bowmaster.

The Journal of the seventh day was approved as corrected by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster



Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway

Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Days Klindt Purgason Scott  
Secrest Troupe

VACANCIES: 001

## RESOLUTIONS

**House Resolution No. 27** was taken up by Representative Backer and was read.

House Resolution No. 27

WHEREAS, the Missouri House of Representatives proudly pauses to recognize a group of outstanding young Missourians who have distinguished themselves as leaders of their peers; and

WHEREAS, the members of the Future Farmers of America Chapter from Aurora High School in Aurora, Missouri, were the 1998 Finalists for the Models of Innovation Awards during the Seventy-first National Future Farmers of America (FFA) Convention held in November of 1998 in Kansas City, Missouri; and

WHEREAS, one of only six chapters that qualified for competition in more than one division, the Aurora FFA Chapter became a Top Ten Finalist in the divisions of both Chapter Development and Community Development; and

WHEREAS, the Aurora FFA Chapter was one of sixty-two National Chapter Award recipients to receive special recognition as a Gold Star Chapter and one of only twenty-three chapters across the United States to earn distinction as a National Model of Innovation; and

WHEREAS, the Aurora FFA Chapter boasts 142 students who contribute greatly to the overall success of the FFA National Organization, which consists of 447,880 members and 7,503 local chapters functioning throughout the United States, Puerto Rico, Guam, and the Virgin Islands; and

WHEREAS, the members of the Aurora FFA Team could not have attained such tremendous success this year without the guidance and support of their dedicated chapter advisors, Jim Spencer and Craig Grisham, both of whom have instilled within all their students the desire to realize their fullest potential; and

WHEREAS, the Aurora FFA Chapter has competed in the National Chapter Awards Program for seventeen of the last twenty-one years, during which time it has continually been ranked in the top sixteen chapters in the Show-Me State:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to the members of the Aurora FFA Chapter upon their exciting victory in the National FFA Chapter Awards Program, and in wishing them only the very best as they continue to pursue their high standards of excellence; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Aurora High School.

Representative Froelker offered House Resolution No. 63.

Representative Marble offered House Resolution No. 64.

Representative Elliott offered House Resolution No. 65.

Representative Green, et al offered House Resolution No. 66.

Representative Williams (159) offered House Resolution No. 67.

Representatives Graham (106) and Loudon offered House Resolution No. 68.

## **SECOND READING OF HOUSE BILLS**

**HB 431** through **HB 463** were read the second time.

## **ESCORT COMMITTEE**

The following committee was appointed to escort the Governor to the dais in Joint Session on Wednesday, January 20, 1999: Representatives Foley, Graham (24), McBride, Schilling, Thompson (72), Cierpiot, Cooper, Ridgeway, Ross, and Sallee.

## **INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were offered and read the first time:

**HCR 3**, introduced by Representative Farnen, relating to creating a Joint Committee on Legislative Term Limits.

**HCR 4**, introduced by Representative Seigfreid, relating to electronic funds transfer systems.

**HCR 5**, introduced by Representative Relford, relating to international trade agreements.

**HCR 6**, introduced by Representative Legan, an act to disapprove the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

**HCR 7**, introduced by Representative Koller, an act to disapprove the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

**HCR 8**, introduced by Representative Patek, relating to animal waste pollution.

#### **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

**HJR 15**, introduced by Representatives Linton and Lograsso, relating to the state board of education.

**HJR 16**, introduced by Representative Scheve, relating to bingo.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 464**, introduced by Representative Richardson, relating to retirement benefits for officers and employees of political subdivisions.

**HB 465**, introduced by Representative Franklin, relating to nursing facility reimbursement allowance.

**HB 466**, introduced by Representative Linton, relating to education.

**HB 467**, introduced by Representative Foster, et al, relating to state buildings.

**HB 468**, introduced by Representative Koller, relating to the department of transportation.

**HB 469**, introduced by Representatives Koller and Parker, relating to parental liability for a minor's acts.

**HB 470**, introduced by Representative Koller, relating to the removal of abandoned property.

**HB 471**, introduced by Representatives Hosmer and Kreider, relating to the protection of certain children.

**HB 472**, introduced by Representative Nordwald, relating to investigation for adoption.

**HB 473**, introduced by Representatives Legan, Blunt and Elliott, et al, relating to votes taken at public governmental bodies meetings.

**HB 474**, introduced by Representatives Barry and Hegeman, relating to the regulation and licensing of nurses.

**HB 475**, introduced by Representatives Hegeman, Relford, Gratz, Lawson, Shields and Kelly (27), et al, relating to prosecuting attorneys.

**HB 476**, introduced by Representative Hegeman, relating to qualifications of certain city officials.

**HB 477**, introduced by Representative Hegeman, relating to the board of the Missouri consolidation health care plan.

**HB 478**, introduced by Representative Ward, et al, relating to the managing general agents act.

**HB 479**, introduced by Representative Ward, et al, relating to insurance companies.

**HB 480**, introduced by Representatives Fraser, Backer and Merideth, et al, relating to school-term calendars.

**HB 481**, introduced by Representatives Gunn, Relford, Clayton, Thompson (72), Carter and Loudon, et al, relating to expungement of certain criminal records.

**HB 482**, introduced by Representative Williams (121), relating to motorcycle safety.

**HB 483**, introduced by Representatives Williams (121) and Murray, relating to certain reporting duties of lobbyists.

**HB 484**, introduced by Representative Hollingsworth, relating to storm water control.

**HB 485**, introduced by Representative Hollingsworth, relating to the uniform child custody jurisdiction act.

HB 486, introduced by Representative Hollingsworth, relating to the statute of limitations for a medical malpractice cause of action.

HB 487, introduced by Representative Hollingsworth, relating to statute of limitations.

HB 488, introduced by Representatives May (108) and Patek, relating to jury service.

HB 489, introduced by Representative Parker, relating to administrative appeals by long-term care facilities.

HB 490, introduced by Representatives Hollingsworth and Gaw, et al, relating to the establishment of the family care safety act.

HB 491, introduced by Representative Clayton, relating to the retirement system for prosecuting and circuit attorneys.

HB 492, introduced by Representatives Hosmer, Smith and Gibbons, relating to the regulation of securities.

HB 493, introduced by Representatives Hosmer, Williams (121), Kreider and Schilling, relating to the governing boards of certain state colleges and universities.

HB 494, introduced by Representative Kissell, relating to motor vehicles.

HB 495, introduced by Representative Kissell, et al, relating to traffic regulations.

HB 496, introduced by Representative Patek, relating to approval of new productive values for agricultural and horticultural property.

HB 497, introduced by Representative Patek, relating to the operation of motor vehicles.

HB 498, introduced by Representative Patek, relating to small claims court jurisdiction.

HB 499, introduced by Representative Hartzler (123), relating to election authorities.

HB 500, introduced by Representative Koller, relating to motor vehicles.

HR 501, introduced by Representatives Scheve and McClelland, relating to school term starting dates.

HB 502, introduced by Representative Scheve, relating to the assessment of real property.

HB 503, introduced by Representative Scheve, relating to motor vehicle safety inspection requirements.

HB 504, introduced by Representative Scheve, relating to the Missouri humanities council.

HB 505, introduced by Representatives May (108) and O'Toole, relating to traffic regulations.

HB 506, introduced by Representative Froelker, relating to property assessments.

HB 507, introduced by Representative Froelker, relating to income taxation.

HB 508, introduced by Representative Froelker, relating to survivor benefits for certain school employee retirement systems.

HB 509, introduced by Representative Froelker, relating to school funds.

HB 510, introduced by Representative Froelker, relating to school finance.

HB 511, introduced by Representative Froelker, relating to restricting funding for assisted suicide.

HB 512, introduced by Representatives Skaggs, Hoppe, McLuckie, Campbell, Daniels (41), Van Zandt, Monaco and Daniel (42), relating to debt service taxation in charter cities with a population of no less than three hundred thousand and no more than seven hundred thousand residents.

HB 513, introduced by Representative Treadway, relating to to architects, professional engineers and professional land surveyors.

HB 514, introduced by Representative Franklin, relating to the public school and the nonteacher school employee retirement systems.

HB 515, introduced by Representatives Franklin, Relford, Leake and Davis, et al, relating to the public school retirement systems.

HB 516, introduced by Representatives Gaw, Kreider, Crump, Foley, Days, Scheve, Murray, Williams (159), Monaco, Franklin, Barry, Van Zandt and Campbell, et al, relating to personal exemption for individual income tax.

COMMITTEE CHANGE



The Speaker submitted the following committee change:

Representative Carter is no longer a member of the Critical Issues Committee.

#### WITHDRAWAL OF HOUSE BILLS

To: Anne Walker, Chief Clerk

From: Representative Jon Dolan

Date: January 19, 1999

Re: Withdrawn House Bill

I respectfully request that House Bill 211 be withdrawn.

Thank you for your time and attention.

Respectfully,

/s/ Jon Dolan

Anne Walker, Chief Clerk

Missouri House of Representatives

Room 307

Missouri State Capitol

Jefferson City, MO 65101

January 19, 1999

Dear Ms. Walker:

I respectfully request to withdraw House Bill 433.

Thank you for your assistance.

Sincerely,

/s/ David L. Levin

State Representative

District 82

Anne Walker, Chief Clerk

Missouri House of Representatives

Room 307

Missouri State Capitol

Jefferson City, MO 65101

January 19, 1999

Dear Ms. Walker:

I respectfully request to withdraw House Bill 439.

Thank you for your assistance.

Sincerely,

/s/ David L. Levin  
State Representative  
District 82

January 19, 1999

Anne C. Walker  
Chief Clerk  
Room 306-C, State Capitol  
Jefferson City, MO 65101

Dear Ms. Walker:

Please withdraw House Bill 390. Thank you for your help in this matter.

Sincerely yours,

/s/ Vicky Riback Wilson  
Representative, District 25

January 19, 1999

The Honorable Steve Gaw  
Speaker of the House  
State Capitol Building  
Jefferson City, Missouri 65101

Re: House Bill 164

Dear Mr. Speaker:

I am writing to respectfully request that House Bill 164 be withdrawn.

Thank you for your assistance.

Very truly yours,

/s/ Brian May

January 19, 1999

Ms Anne Walker  
Chief Clerk  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Ms. Walker:

I would like to withdraw House Bill 171 relating to government contracts for audits.

Sincerely,

/s/ Tim Van Zandt

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 128, entitled:

An act to repeal section 105.464, RSMo Supp. 1998, relating to judiciary, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following committee to act with a like committee from the House pursuant to HCR 2. Senators: Banks, Bentley, Bland, Childers, DePasco, Johnson, Mueller, Sims, Steelman, and Stoll.

The following members' presence were noted: Days and Scott.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, January 20, 1999.

#### CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Seventh Day, Monday, January 18, 1999, pages 154 and 155, roll call, by showing Representative May (108) voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, January 20, 1999. Hearing Room 6 upon adjournment.

Organizational meeting.

#### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Wednesday, January 20, 1999. Hearing Room 8 immediately upon adjournment.

Review Governor's recommendations. CORRECTED NOTICE

#### **BUDGET**

Thursday, January 21, 1999, 9:00 am. Hearing Room 9. Organizational meeting.

Presentation by Mark Ward/FY 2000 Budget overview.

#### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, January 20, 1999, 8:00 pm. Hearing Room 8.

Presentation of Missouri Kids Count 97-98. Introduction/Orientation.

To be considered - HB 38

#### **EDUCATION - HIGHER**

Wednesday, January 20, 1999, 3:00 pm. Hearing Room 9.

Organizational meeting. Revised Notice. (Hearing Room change.)

#### **ETHICS**

Wednesday, January 20, 1999, 9:00 am. Hearing Room 6. Caucus approval:

COMMITTEE RULES. AMENDED

#### **RETIREMENT**

Wednesday, January 20, 1999, 8:00 pm. Hearing Room 7.

#### **HOUSE CALENDAR**

#### **NINTH DAY, WEDNESDAY, JANUARY 20, 1999**

#### **HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 3 through HCR 8

#### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 15 and HJR 16

#### **HOUSE BILLS FOR SECOND READING**

HB 464 through HB 516

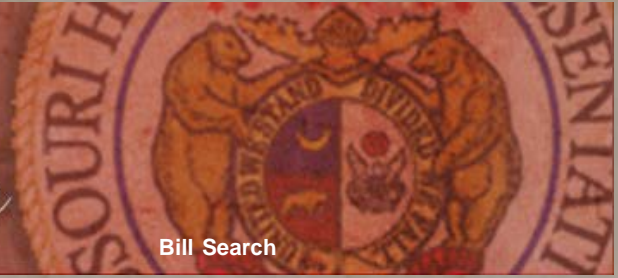


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## House Journal

First Regular Session, 90th General Assembly

NINTH DAY, Wednesday, January 20, 1999

Speaker Gaw in the Chair.

Prayer by Representative Betty Thompson.

We thank You for allowing us another day. A day to be a little better than the day before. You promised that what ever one does to the least of us, we do to You. Let us remember not what we are, or who we are, but who we are because we are truly God's children. We want to remember our people, our families back home who sacrifice so much for us to come and do not our will, but Your will. Bless this 90th General Assembly that we will be not what we want to be, but what you want us to be and look upon and bless those among us with loved ones that have passed this way and those that are sick. Bless this distinguished body as well as our Speaker and our President of the United States. We ask those blessings in Your name. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighth day was approved as corrected.

### RESOLUTIONS

Representative Gratz offered House Resolution No. 69 and House Resolution No. 70.

Representative Scheve offered House Resolution No. 71.

Representative Reid offered House Resolution No. 73.

Representative Green offered House Resolution No. 74.

Representative Ransdall offered House Resolution No. 75.

Representative Davis (122) offered House Resolution No. 76.

Representative Thompson (37) offered House Resolution No. 77.

Representative Bonner offered House Resolution No. 78.

### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 3** through **HCR 8** were read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 15** and **HJR 16** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 464** through **HB 516** were read the second time.

Representative Crump moved that Rule 114 be suspended.

Which motion was adopted by the following vote:

AYES: 159

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Elliott

PRESENT: 000

ABSENT WITH LEAVE: 002

Hickey Secrest

VACANCIES: 001

### **JOINT SESSION**

The hour of the Joint Session having arrived, the Senate in a body was admitted, and Lieutenant Governor Wilson presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 032

Banks Bentley Bland Caskey Childers

Clay DePasco Ehlmann Flotron Goode

Graves House Howard Jacob Kenney

Kinder Klarich Mathewson Maxwell Mueller

Quick Rohrbach Russell Sims Staples

Steelman Stoll Westfall Wiggins Yeckel

NOES: 000

ABSENT: 001

Schneider

ABSENT WITH LEAVE: 001

Scott

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Abel Champion Foley Hickey Purgason

Sallee Secrest Wilson

VACANCIES: 001

The Doorkeeper announced the approach of the Honorable Mel Carnahan. The Governor was duly escorted to the House Chamber and the Speaker's dais, where he delivered the following message to the assembly in Joint Session.

**STATE OF THE STATE ADDRESS**



BY

GOVERNOR MEL CARNAHAN

January 20, 1999

Mr. President, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 90<sup>th</sup> General Assembly, and Citizens of the State of Missouri:

### INTRODUCTION

Our nation hungers for heroes.

It is the nature of our spirit.

Heroes founded this land.

They built its greatness.

And now it is in the hands of the heroes of today to shape its vision for a new century.

For the ideals that inspired the American dream can only remain strong if we have the courage and commitment to expand their possibilities.

Last year the eyes of the entire world were riveted on Missouri to watch the birth of a new American hero.

The young man might have seemed to some an unlikely candidate to reach such heights.

After all, he had 20/500 vision, a bulging disk in his back, weak arches that required special shoe inserts, and had undergone three foot surgeries.

Yet at 8:18 p.m., on September 8, in St. Louis, none of those obstacles seemed important.

Mark McGwire sent the first pitch sailing over the corner of the left field wall and into the history books.

But the McGwire miracle was far from over.

By the time the season ended, Mark not only broke the record for the number of home runs hit in a single season--he demolished it.

And he did it with a humility and grace that made Missouri proud.

However, the true heroism of Mark McGwire is taking place off the field.

He is donating one million dollars for the next three years to help abused and neglected children.

The reason?

Because he wants to give something back to a world that has given him so much.

From his own success, he wants to create opportunities for others.

Throughout our state, thousands of Missourians share those goals.

They may never be in the history books, or make millions of dollars, but they are dedicated to helping others.

These are today's heroes.

It is my privilege to introduce three of these who are here with us today .

First, I would like you to meet the youngest member of our group--Ashlee Vann from Springfield.

Ashlee is a young girl with a big job.

She is only eleven, but she has been running a Kid's Café since she was nine.

Every evening, Ashlee feeds dinner to 60-70 needy children at her café.

She coordinates the entire project of preparing and serving the food, which is donated by Ozark Food Harvest.

Ashlee has three to four other people, including several adults, who work with her, and she does a great job.

Ashlee, would you please stand so we can recognize you for the work you do.

The second person I would like you to meet is Erika Lipiec from Maryville.

Erika is a high school freshman and has been actively involved in the anti-teen smoking campaign in her community for more than two years.

She has testified before her city council in support of a city youth anti-smoking program that she helped pass in 1997.

And she spoke at the Great American Smoke Out news conference last year.

Erika feels teen-age smoking is a serious problem and wants to improve the health of her generation.

Erika, we appreciate your work on behalf of the good health of Missouri citizens.

Please stand and be recognized.

Our third guest today is Laurie Sybert, who teaches second grade at Leland Mills Elementary School in Lake Ozark.

Laurie is one of those people we talk about when we say someone was "born to teach."

Her mother taught in a one-room schoolhouse and instilled in Laurie the need to go above and beyond what she thought she was capable of doing.

During her thirteen years in the classroom, Laurie has taught her students that same lesson.

Ten years ago, Laurie's ability to reach beyond her limits was tested.

She was diagnosed with MS.

Her symptoms became so bad five years ago that she could barely walk, and her doctor advised her to quit teaching.

Yet, this illness has inspired Laurie to be even more enthusiastic about her life and her work.

Today she lives each day to the fullest.

She is an outstanding example of the many excellent teachers we have in Missouri, and that is why she was selected as the 1998-99 Missouri Teacher of the Year.

Laurie, we want to show our appreciation for you and all the other Missouri educators who have dedicated their lives to preparing our young people for the future.

Please stand to be recognized.

All three of these honored guests here with us today are true Missouri heroes.

Each of them, in her own special way, is making a significant contribution to the success of our state by bettering the lives of others.

As we begin this 1999 legislative session, these Missourians should be an inspiration to all of us.

We, too, have accepted the responsibility of working on behalf of a better life for others.

Today, I come before you to ask your cooperation in working on behalf of the best interests of the people of Missouri as we prepare to meet the challenges of a new century.

## **ECONOMY**

The foundation for our success is found in a thriving economy.

Only a few short years ago, constructing such a foundation seemed impossible.

In the early years of this decade, we were mired in a recession.

Our companies were downsizing, forcing many Missourians to seek a new job for the first time in years.

Yet today our unemployment rate is historically low.

According to the latest monthly reports, our unemployment numbers are the lowest in twenty years.

They are significantly lower than the national rate.

While Missouri's unemployment rate is holding at 3.3 percent, the national rate is 4.1.

Our aggressive approach to economic development and our landmark welfare reform efforts have made the difference.

Since 1992, we created over 350,000 new jobs and moved over 121,000 of our citizens off welfare.

We gained 382 new or expanding business operations last year alone.

This gain translates into over a billion dollars of new private investment in our state.

At the same time, Missourians are receiving a good return on their tax dollars.

By any objective measure, Missouri is a low tax, low spending state.

We are one of only nine states to receive the highly coveted Triple A bond rating from all three major bond rating agencies.

By completing a top to bottom review of government service--the first in several decades--we have further reduced waste, duplication, and bureaucracy.

We must continue to give Missourians an even better return on their investment.

## **TAX CUTS**

Because we have nurtured such a growing economy, we have, for the first time in almost a generation, been able to give Missourians major permanent tax relief over the past few years.

In 1997, we eliminated the three percent general state sales tax on food.

These cuts give the average Missouri family the equivalent of two weeks of free groceries every year.

In 1998, we extended more tax relief to Missouri families and senior citizens.

We tripled the amount Missouri families can deduct for their dependents on their state income tax.

We expanded the property tax credit that senior and disabled citizens receive so that more Missourians on fixed incomes can stay in their homes.

And we implemented a new deduction so that those who care for elderly and disabled dependents in their homes could also receive tax relief.

In fact, since 1994, we have been able to provide Missouri families with almost 430 million dollars in permanent tax cuts.

I want to continue this good news for taxpayers.

Our robust economy this year makes it possible to offer new, meaningful tax relief.

First of all, we should increase the personal exemption that all Missourians receive on their state income tax by \$900.

This will raise each taxpayer's personal exemption to \$2,100.

Every Missouri income taxpayer will benefit from this tax cut.

Our citizens have not received an increase in this exemption since 1946.

This plan will reduce the amount of state income tax that couples pay by up to \$108 annually and give individual filers up to a \$54 tax break.

Over 200,000 more state households will not pay any state income tax at all.

We should also help Missouri businesses this year by reducing the amount they have to pay in corporate franchise tax.

The vast majority of our Missouri businesses are small, but they create most of our new jobs.

Right now, businesses have to pay this tax if they have assets of at least \$200,000.

I want to raise that threshold to one million dollars.

This tax cut would virtually eliminate the corporate franchise tax for small businesses.

The third prong of my tax relief plan is targeted at helping the self-employed in Missouri.

Currently, many of these entrepreneurs cannot afford health insurance.

By allowing our smallest businesses to deduct health insurance premiums from their adjusted gross income, we can help them purchase affordable health care for themselves and their families.

When fully implemented, these three steps will give Missourians \$191 million in new tax cuts.

And we can afford to give Missourians this reasonable tax relief without jeopardizing our investments in education, public safety, and other crucial state services.

## **EDUCATION**

Without question, the most important thing we can do to prepare Missourians to meet the challenges of a new century is to offer a high quality education system.

From the day Missouri children are born, each experience shapes their future and the future of our state.

Because of our actions last session, Missouri families will have new opportunities to provide their children with the experiences they need in order to enter school ready to learn.



Our early childhood initiative provides thousands of Missouri children with access to affordable, quality child care so they can receive a strong start in life.

And I want to publicly thank our Missouri veterans for their help during the legislative process in getting this legislation passed.

These men and women who served in our Armed Forces to protect our generation are now helping to protect the next one through their support of new child care services for Missouri's children.

One of these new child care services that is receiving an exciting response is our "Jump Start" program.

Because of "Jump Start," Missouri parents will now have access to quality child care for their pre-school children in many of our public schools and communities.

So far, 160 sites at 124 different school districts have requested to participate in this innovative new approach to early childhood care and education.

To implement the work we began last year, my budget contains \$55.6 million for early childhood care and education.

Of course, once our children enter public school, we want them to receive the best education possible.

I am pleased to announce that for the fourth year in a row I am recommending that you act to fully fund our new, more equitable school foundation formula.

By doing so, we give students the resources they need to receive a world class education.

This new formula was a part of our Outstanding Schools Act of 1993.

It implemented numerous reforms to make both Missouri schools and students more accountable for their progress.

I believe we can do more this session in the area of school accountability by ensuring that children are mastering the basics, particularly in the early grades.

The public and employers are rightfully concerned when students are promoted from one grade to the next without acquiring the basic academic knowledge and skills they need to succeed at the next grade level.

To address their concerns, I want to allow school districts to make remedial classes a condition of promotion for those students who have not mastered the basic skills of their particular grade level.

This is especially important in the early grades where students must build a solid foundation for advanced learning.

Our proposal provides the funds to enable schools to offer this extra attention to students who need it.

Students judged to be academically deficient can be required to attend summer school classes or tutorial activities after school or on weekends.

Schools can also require parents to sign a contract pledging to conduct home-based support activities as a condition of promotion.

Under this plan, our Department of Elementary and Secondary Education will examine how well schools are improving the scores of the lowest performing students on our assessment tests.

These results will be taken into consideration when the school's accreditation status is reviewed.

School districts will also keep their patrons informed on the progress of underachieving students through their public school report card.

These actions will reinforce our emphasis on high expectations and accountability for learning.

Over the past few years, we have focused a great deal of attention on making our schools safe places for our students to attend--inside, outside, and on the bus.

For the safety of our students, I have also directed the departments of Elementary and Secondary Education and Public Safety to jointly develop a model school disaster plan.

Many of our local schools are ill prepared to handle all aspects of the natural disasters and traumatic crises that can occur such as the tragic shootings in Jonesboro, Arkansas.

By developing a model plan, school districts will have a standard to compare against their local plan to see if changes need to be made.

A statewide crisis team will be available upon the request of local school officials to offer immediate assistance in the case of any school emergencies.

We will also finish our efforts this year to wire schools to the Internet, so Missouri students will have access to information



from around the world.

This year, for the first time, every school district in Missouri will have high speed access to the Internet.

Computer literacy is a vital tool for today's job seekers and will be indispensable in the workplace of the future.

Last year, we made major progress in improving access to higher education for Missourians by authorizing four new programs.

Our new Bridge Scholarships, College Guarantee Program, Advantage Missouri, and MOSTARS Higher Education Savings Fund will make it possible for more of our high school graduates to gain the advanced education and training they need to meet the demands of today's employers.

My budget recommendations include \$10.5 million to implement these new education access tools.

## **WORKFORCE DEVELOPMENT**

Making it possible for our young people to have access to a better and more advanced education is going to pay tremendous dividends for the generations to come.

But in the new world economy, we must ensure Missouri businesses have the kind of highly skilled workers they need to compete.

I am proud of the workforce development progress we have made.

Last year our workforce system helped 125,000 Missourians get jobs.

But even though we are using innovative practices such as one-stop career centers, our fragmented workforce system is not as efficient and user friendly as it could be.

Many Missourians who seek employment and training services are still being bounced from office to office to have their needs met.

During a one month period this summer, the same St. Louis employer received visits by job development representatives from three different state agencies that were all trying to help him find qualified people to fill his job openings.

This kind of duplication is a waste of time and money.

Therefore, we must take our approach to workforce development in a new direction.

Our administration wants to create a Division of Workforce Development.

According to our proposal, this new division will replace our existing Division of Job Development and Training that is under our Department of Economic Development.

All employment, training, and job matching functions from the Department of Labor and Industrial Relations will move to the new division.

This consolidation will be a huge improvement for both workers and employers.

Employers will find state workforce services to be more responsive to their needs, and Missourians will be better prepared for the jobs that are available in the labor force.

## **HEALTH**

Missourians will need all the education and training they can obtain to meet the challenges of a new century, but they must be healthy if they are to be able to use their talents productively.

Last year I came to you on behalf of the thousands of children in our state who are not receiving the basic primary and preventive health care services they need.

These families had no health insurance and no realistic prospect of obtaining affordable health insurance.

But today, many of these families are breathing a sigh of relief because you approved our Children's Health Initiative last session.

Thanks to our new MC-Plus Program for Kids, 90,000 children with no health insurance and no prospect of getting health insurance can now have access to affordable health care.

In only four months of the program, we have already enrolled nearly 25,000 children.

Thousands of Missouri children whose lives were in danger have been rescued by the responsible action we took last year, and I commend you for your support of this program.

Unfortunately, the good health of many of our citizens is in danger because of another threat--smoking.

Tobacco use is the leading cause of cancer in this country, and Missouri has the second highest rate of tobacco use of any

state.

Approximately 28 percent of all Missouri adults smoke.

Even more alarming, recent studies indicate that more than 40 percent of our state's teenagers smoke.

These statistics are taking their toll.

Tobacco use contributes to 28 deaths in Missouri every day.

And now we know that nicotine found in tobacco is often a "gateway" drug that leads our teenagers to other substance abuse.

That is why the work of every day heroes like Erika here is so important.

Ninety percent of all smokers started smoking before the age of 21.

So if we can stop teens from smoking before they start, we can make significant headway in bringing down both the human and health care costs of tobacco use.

Now, because of a recent legal development, we have a tremendous opportunity to save the lives of countless Missouri young people in future years.

The recent Tobacco Settlement that was reached will allow Missouri to recover a portion of the health care costs our state and taxpayers have incurred or will incur because of smoking and tobacco use.

I want to applaud the work of our Attorney General Jay Nixon for his leadership in reaching this monumental agreement.

However, litigation involving these funds is still pending.

Payments under the settlement are not expected to begin until the year 2000.

Before any settlement dollars come to Missouri, a final judgment must be obtained.

In addition, the federal government may try to recover these funds or dictate their use.

While we intend to fight this action, none of us can be certain of the outcome.

Therefore, we need to set this money aside until we are confident that these funds are, in fact, available to Missouri.

I ask you to establish a Tobacco Settlement Trust Fund, pending the outcome of the litigation and other uncertainties.

Its purpose will be to preserve these funds for future investments to support anti-teen smoking initiatives and to improve the health and education of future generations.

Unless we can reduce the number of teens and young people who are smoking in Missouri, our taxpayers will continue to pay the huge financial and human price that is associated with tobacco.

The emotional well being of our citizens is just as important as their physical health.

When our citizens develop a serious mental illness, the necessary treatment they require can financially ruin their family.

The Joint Interim Committee on Mental Health Insurance Availability, co-chaired by Senator Jerry Howard and Rep. Mike Schilling, should be recognized for its examination of the accessibility of mental health services in Missouri.

I look forward to working with the committee members this session to see how we can improve both the quality and access to mental health services in Missouri.

## **PUBLIC SAFETY**

In addition to preparing a healthier and better educated Missouri for a new century, we must ensure that our streets and neighborhoods are safe for our citizens.

During the six years of our administration, we have passed some of the toughest crime laws in the country.

Our new, tougher sentencing laws are helping to keep the most dangerous criminals behind bars and making juveniles that commit dangerous felonies serve adult sentences,

Partly as a result of tougher sentencing, we have experienced a great reduction in serious crime in Missouri.

Our new law passed last year to battle the evil producers and traffickers of the deadly drug methamphetamine is the toughest in the nation.

Other states are looking at our legislation as a model for their own approaches.

Our strong new laws to keep insidious sexual offenders under intense supervision for the rest of their lives are taking hold.

But we need to take some additional actions this session for the further protection of our citizens.

The law we enacted in 1994 requires sex offenders to register and provide information to local law enforcement agencies.

Currently, our citizens can only keep track of these criminals by contacting law enforcement offices or the State Highway Patrol's central registry during regular business hours.

To make this information more accessible to the public, we need to make it available on the Internet through our Department of Public Safety's home page.

Missourians going to that web page will be able to find out the offender's name, place of residence, date of birth, appearance, and criminal record.

We also need a juvenile sexual offender registry.

In 1997, 961 minors in our state were referred to juvenile court for sexual offenses.

But we currently have no law requiring the registration of juvenile sex offenders, even though this information would greatly assist the police and juvenile authorities in keeping our schools and our streets safe from dangerous sex offenders.

While we must maintain the confidentiality that is required by state law for young offenders, we need to require juvenile courts to maintain a registry of juvenile sex offenders.

State agencies would be required to share information.

## **TRANSPORTATION**

A sound transportation infrastructure is crucial to Missouri's economic vitality and the safety of its motorists in a new century.

I, like many of you, am greatly disheartened by the financial insolvency of the 15-Year Plan.

Throughout my years of public service, I have been a strong advocate of a top quality transportation infrastructure for Missouri.

When the 15-Year Plan was under consideration in the legislature years ago, I came up here as Lieutenant Governor to lobby for its passage.

However, it is now clear that despite the good intentions of many people, the plan cannot be built with currently available revenues.

However, many of the projects in the 15-Year Plan remain crucial to Missouri's future.

And important new needs have emerged since the plan was originally drafted.

To protect and advance Missouri's economic health, we must find enough common ground to move forward in the development of a total transportation plan that has bipartisan support.

I fully recognize that we face major obstacles.

But we must keep working at it until we can achieve enough consensus to move forward.

And we must make real progress this year because delay will only cost more money, more lives, and more missed economic opportunities.

Among the more significant obstacles is the divisiveness over the regional allocation of transportation dollars.

The rural/urban split will continue to be a highly contentious issue--and an impediment to statewide progress--unless we can reach agreement on an allocation process that Missourians in all regions will view as fair.

The Highway and Transportation Commission has taken an important step toward addressing this matter.

It will soon establish a Rural/Urban Advisory Group to recommend changes that will increase public confidence in the way the Commission makes future rural/urban allocation decisions.

I urge all of you to lend your support to this important initiative.

## **STATE EMPLOYEES**

During our administration, we have demanded much more of our state employees.

We have put a great deal of effort into eliminating government inefficiency in order to improve customer service.

But improved customer service in state government requires an experienced, dedicated, and productive workforce.

If we want high quality services, we must have high quality people providing those services.

So for my past six years as governor, we have taken steps to attract and retain the best state employees so we would not lose them to private industry.

This year is no exception.

For the fourth year in a row, I am recommending that our state employees receive marketplace salary increases.



While the percentage will vary depending on the salary relationship of the employee to the marketplace, most of our state employees will receive about a five percent increase.

As we continue to work to bring public sector salaries in line with the private sector, we should also work in other ways to place public employees on an equal footing with their private sector counterparts.

I hope this General Assembly will work to send me a bipartisan bill granting public employees the right to bargain collectively.

## **CONCLUSION**

These are some of the major issues that I would like us to address this year.

And as we begin that work, I believe we can look to the every day heroes who have joined us today for inspiration.

Ashlee, Erika, and Laurie are heroes, not because of one single act of bravery.

But because they have found the courage to embrace goals that are bigger than any one person and the selflessness to work toward those goals every day of their lives.

Feeding sixty people day in and day out is not an easy task.

But Ashlee does it so that these children will have the nourishment they need to grow into strong adults.

Standing up against the peer pressure to smoke and working to convince others of the dangers of tobacco is difficult.

But Erika does it so that the teenagers in her community will be able to grow up to be healthy adults.

Teaching a class full of second graders every day and dealing with all their questions, problems, and enthusiasm is always challenging.

But Laurie is dedicated to helping them become productive, responsible adults.

Now is our time to be the heroes of our day--to embrace goals that are bigger than any one person, one party, or one branch of government.

Our state and our nation have just gone through another hard fought election campaign.

But that campaign is over, and the people have spoken.

Now the citizens of the State of Missouri expect us to work together on the issues that matter to them--good jobs, a better education and health care for their children, and a safe place to live.

This is not the time to speak of politics.

That time will come again, but it is not this day.

This is a time to do the people's business.

When I was elected governor, I made a commitment to the people of Missouri to do a good job on their behalf.

And that is what I intend to do.

I want to work with all of you in building on the tremendous accomplishments we have achieved in the past.

And so I ask that you join me in the spirit of bipartisan cooperation that has made those accomplishments possible.

Where there are questions, let us find answers.

Where there is emotion, let us find reason.

Where there are differences, let us find common ground.

May this sacred seat of government and the hallowed principles that shaped it, elevate our ideas and our conduct.

The people of the State of Missouri have entrusted us with their future.

We must not fail them.

The Joint Session was dissolved by Lieutenant Governor Wilson.

Speaker Gaw resumed the Chair.



## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 101** - Critical Issues  
**HB 102** - Fiscal Review  
**HB 103** - Civil and Administrative Law  
**HB 104** - Judiciary  
**HB 105** - Education - Elementary and Secondary  
**HB 106** - Civil and Administrative Law  
**HB 107** - Municipal Corporations  
**HB 108** - Critical Issues  
**HB 109** - Governmental Organization and Review  
**HB 110** - Federal-State Relations and Veterans Affairs  
**HB 111** - Criminal Law  
**HB 112** - Utilities Regulation  
**HB 113** - Civil and Administrative Law  
**HB 114** - Ways and Means  
**HB 115** - Ways and Means  
**HB 116** - Ways and Means  
**HB 117** - Criminal Law  
**HB 118** - Ways and Means  
**HB 119** - Ways and Means  
**HB 120** - Ways and Means  
**HB 121** - Ways and Means  
**HB 122** - Ways and Means  
**HB 123** - Judiciary  
**HB 124** - Public Safety and Law Enforcement  
**HB 125** - Children, Youth and Families  
**HB 126** - Education - Elementary and Secondary  
**HB 127** - Consumer Protection and Housing  
**HB 128** - Public Health  
**HB 129** - Critical Issues  
**HB 130** - Judiciary  
**HB 131** - Labor  
**HB 132** - Labor  
**HB 133** - Federal-State Relations and Veterans Affairs  
**HB 134** - Elections  
**HB 135** - Civil and Administrative Law  
**HB 136** - Civil and Administrative Law  
**HB 137** - Agriculture

**HB 138** - Civil and Administrative Law

**HB 139** - Tourism, Recreation and Cultural Affairs

**HB 140** - Judiciary

**HB 141** - Motor Vehicle and Traffic Regulations

**HB 142** - Insurance

**HB 143** - Ways and Means

**HB 144** - Ways and Means

**HB 145** - Environment and Energy

**HB 146** - Agriculture

**HB 148** - Criminal Law

**HB 149** - Public Safety and Law Enforcement

**HB 150** - Civil and Administrative Law

**HB 151** - Civil and Administrative Law

**HB 152** - Agriculture

**HB 153** - Agriculture

**HB 154** - Governmental Organization and Review

**HB 155** - Civil and Administrative Law

**HB 156** - Local Government and Related Matters

**HB 157** - Motor Vehicle and Traffic Regulations

**HB 158** - Education - Elementary and Secondary

**HB 159** - Governmental Organization and Review

**HB 160** - Consumer Protection and Housing

**HB 161** - Judiciary

**HB 162** - Workers Compensation and Employment Security

**HB 165** - Criminal Law

**HB 166** - Labor

**HB 167** - Consumer Protection and Housing

**HB 168** - Education - Elementary and Secondary

**HB 169** - Professional Registration and Licensing

**HB 170** - Social Services, Medicaid and the Elderly

**HB 172** - Ways and Means

**HB 173** - Motor Vehicle and Traffic Regulations

**HB 174** - State Parks, Natural Resources and Mining

**HB 175** - Professional Registration and Licensing

**HB 176** - Ways and Means

**HB 177** - Transportation

**HB 178** - Public Safety and Law Enforcement

**HB 179** - Ways and Means

**HB 180** - Environment and Energy

**HB 181** - Motor Vehicle and Traffic Regulations

**HB 182** - Elections

**HB 183** - Criminal Law

**HB 184** - Motor Vehicle and Traffic Regulations

**HB 185** - Motor Vehicle and Traffic Regulations

**HB 186** - Social Services, Medicaid and the Elderly

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 81** - State Parks, Natural Resources and Mining

#### **COMMITTEE REPORTS**

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **MISSOURI LEGISLATIVE BLACK CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo.**

TO: Anne Walker, Chief Clerk

House of Representatives

FROM: Representative Russell Gunn, Chair

Missouri Legislative Black Caucus

DATE: January 13, 1999

RE: Missouri Legislative Black Caucus

In accordance with Section 105.473.3(2)(c)d and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives' Missouri Legislative Black Caucus is attached.

Consider this letter a formal application to the Committee on Judiciary and Ethics to renew this caucus, the commonality of interest, the advantages of forming this caucus, and the regularity of our meetings.

Please contact me at (573) 751-4726, if you have any questions concerning this caucus organization. I shall serve as the designated member to present this caucus to the committee.

#### **Members of the Missouri Legislative Black Caucus**

/s/ Rep. Russell Gunn /s/ Rep. Carson Ross

Chairman D-70 Vice-Chair R-55

/s/ Rep. Rita Days /s/ Rep. Amber Boykins

Treasurer D-71 Secretary D-60

#### **Members**

/s/ Sen. J.B. "Jet" Banks, D-5 /s/ Sen. William L. Clay, Jr., D-4

/s/ Sen. Mary Groves Bland, D-9 /s/ Rep. Paula J. Carter, D-61

/s/ Rep. Lloyd Daniel, D-42 /s/ Rep. Fletcher Daniel, D-41

/s/ Rep. Louis Ford, D-58 /s/ Rep. O.L. Shelton, D-57

/s/ Rep. Betty Thompson, D-72 /s/ Rep. Charles Q. Troupe, D-62

/s/ Rep. Vernon Thompson, D-37

Mr. Speaker: Your Committee on Ethics, to which was referred **CLOUT CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo.**

TO: Anne Walker, Chief Clerk

FROM: Representative Sam Gaskill, Acting Chairman

DATE: January 19, 1999

RE: Approval of CLOUT Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Concerned Legislators Opposing Unnecessary Taxes (CLOUT) Caucus.

**District Name**

26 /s/ Jim Seigfreid, D

50 /s/ Carol Jean Mays, D

66 /s/ Harry Kennedy, D

82 /s/ David Levin, R

113 /s/ Bill Gratz, D

114 /s/ Carl Vogel, R

117 /s/ Larry Crawford, R

122 /s/ D.J. Davis, D

131 /s/ Sam Gaskill, R

134 /s/ Norma Champion, R

135 /s/ Roy Holand, R

143 /s/ Estel Robirds, R

150 /s/ Kelly Parker, D

162 /s/ Denny Merideth, I

Mr. Speaker: Your Committee on Ethics, to which was referred GREATER KANSAS CITY REPUBLICAN CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d.

TO: Representative Robert Clayton, Chairman

Judiciary & Ethics Committee

FROM: Representative Don Lograsso

DATE: January 7, 1999

RE: Greater Kansas City Republican Caucus



In accordance with Section 105.473.3(2)(c)d and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives' Greater Kansas City Republican Caucus is attached.

Consider this letter a formal application to the Committee on Judiciary and Ethics to approve this caucus, the commonality of interest and the advantages of forming this caucus.

Please contact me at (573) 751-1487, if you have any questions concerning this caucus organization. I shall serve as the designated member to present this caucus to the committee.

### **Members of the Greater Kansas City Republican Caucus**

#### **Members**

/s/ Rep. Don Lograsso, R-54 /s/ Rep. Luann Ridgeway, R-35

/s/ Rep. Carson Ross, R-55 /s/ Rep. Connie Cierpiot, R-52

/s/ Rep. Pat Kelley, R-47 /s/ Rep. Bill Tudor, R-45

/s/ Rep. Fred Pouche, R-30 /s/ Rep. Bonnie Sue Cooper, R-32

/s/ Rep. Annie Reinhart, R-34 /s/ Rep. Ed Hartzler, R-123

/s/ Rep. Matt Bartle, R-56 /s/ Sen. Bill Kenney, R-8

Mr. Speaker: Your Committee on Ethics, to which was referred **CAUCUS FOR LEGISLATORS FOR A MODERATE AGENDA**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo**.

TO: State Representative Robert Clayton

FROM: State Representative Timothy Green

DATE: January 13, 1999

RE: Caucus for Legislators for a Moderate Agenda

In accordance with section 105.473.3(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Caucus for Legislators for a Moderate Agenda.

#### **Representative District**

/s/ Mark Abel 103

/s/ Ron Auer 59

/s/ Joan Barry 100

/s/ Dorathea Davis 63

/s/ Jim Foley 81

/s/ Tommy George 74

/s/ Chuck Graham 24

/s/ Timothy Green 73

/s/ John Hickey 80

/s/ Kate Hollingsworth 101

/s/ Thomas Hoppe 46  
/s/ Harry Kennedy 66  
/s/ Don Kissell 17  
/s/ Jim Kreider 142  
/s/ Christopher Liese 85  
/s/ Bill Luetkenhaus 12  
/s/ Brian May 108  
/s/ Ryan McKenna 102  
/s/ Ralph Monaco 49  
/s/ Dana Murray 69  
/s/ Patrick O'Connor 79  
/s/ Jim O'Toole 68  
/s/ Dave Reynolds 77  
/s/ Wes Wagner 104  
/s/ Ted Farnen 21  
/s/ Robert Clayton 10

Mr. Speaker: Your Committee on Ethics, to which was referred RULES OF PROCEDURE, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

#### HOUSE RESOLUTION NO. 72

#### COMMITTEE ON ETHICS

#### RULES OF PROCEDURE

**RULE 1. Scope and Authority** - These Rules of Procedure govern the conduct of the investigation of complaints of ethical misconduct by a member of the House and are adopted pursuant to House Rule 38.

#### **RULE 2. Definitions**

As used in these rules, unless the context requires otherwise, the following words and terms shall have the following meanings, and the use of masculine gender shall include the feminine.

(1) **Censure** - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong, and which shall include punishment in the form of denying privileges of office, which recommendation is included as part of the committee's report and requires the presence of the respondent in the chamber during consideration and vote by the entire House on such resolution.

(2) **Letter of Reproval** - A sanction which expresses disapproval of conduct based on the appropriateness of such conduct by a legislator, regardless of whether the conduct constitutes a legal or moral wrong and is included as part of the committee's report.

(3) **Reprimand** - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong and which may include punishment in the form of denying privileges of the office, which recommendation is included as part of the committee's report, is issued by the Speaker and the recommendation for reprimand is made a public record.

#### **RULE 3. Quorums**

A quorum exists when a majority of the members of the Committee are present.

#### **RULE 4. Form of Complaints**

**A. All complaints filed with the Speaker against a member of the House shall be made by a member. The complaints shall be confidential and shall be referred to the Committee on Ethics within ten (10) days and shall be in writing and under oath, setting forth in simple, concise and direct statements:**

**(1) The name and legal address of the member or members acting as complainant;**

**(2) The name of the member of the House alleged to have engaged in the commission of a crime, misconduct, willful neglect of duty, corruption in office or other acts constituting ethical misconduct. "Misconduct", means:**

**(a) Any conduct constituting a legal or moral wrong which materially impairs the member's ability to perform the duties of his office or substantially impairs public confidence in the General Assembly;**

**(b) Any conduct constituting a conflict of interest under chapter 105, RSMo;**

**(c) The intentional filing of a false complaint or the filing of a complaint in reckless disregard of the truth.**

**(3) The nature of the alleged crime, misconduct, neglect, corruption or other unethical act, including when applicable, the specific law, rule, regulation or ethical standard violated;**

**(4) The facts alleged to have given rise to the violation; and**

**(5) Where the facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.**

**B. All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.**

#### **RULE 5. Initial Examination of the Complaint by the Committee**

**A. Within thirty (30) days of the assignment of the complaint by the Speaker, the Committee shall determine if it is in compliance with Rule 4 of these Rules, and whether on the face of the complaint, the allegations contained therein are within the jurisdiction of the Committee, and if so, whether the allegations merit proceeding to a preliminary hearing. The complainant shall not act as a member of the Committee at a hearing in which the complainant is likely to be called as a necessary witness. A respondent shall not act as a member of the Committee for purposes of his complaint.**

**B. Complaints determined not to be in compliance with Rule 4 of these Rules shall be returned to the complainant with a general statement that it is not in compliance with the Rules of Procedure. The complaint may be resubmitted in the proper form.**

**C. Once a determination has been made that the complaint complies with Rule 4 of these rules, a majority of the Committee appointed shall vote by roll call to either:**

**(1) Defer action pending completion of any other administrative, disciplinary, commission, or judicial proceeding;**

**(2) Proceed to a preliminary hearing;**

**(3) Dismiss the complaint.**

**D. In determining whether or not to proceed the Committee shall consider the following:**

**(1) The credible evidence contained in the complaint or appended thereto of the commission of a crime, misconduct, willful neglect of duty, corruption in office, or other acts violating applicable ethical standards;**

(2) Other administrative or disciplinary action by other interested bodies;

(3) Criminal investigation, Missouri Ethics Commission proceeding, or judicial proceedings, either civil or criminal; and

(4) Other relevant circumstances that would justify expediting, declining or deferring action by the Committee.

E. Complaints determined to be in compliance with Rule 4 of these Rules and accepted for a preliminary hearing shall be transmitted to the respondent with a copy of the Rules of Procedure and notice in writing that the respondent has twenty-one (21) calendar days to respond to the complaint either by way of answer or motion pursuant to Rule 6 of these Rules. The complainant shall also be notified, in writing, of the action of the Committee. Examination of the complaint and the determination of Rule 4.C. shall be conducted in a closed meeting.

#### **RULE 6. Answers and Motions**

A. If the Committee determines that the complaint merits proceeding to a preliminary hearing, the respondent shall have twenty-one (21) calendar days in which to respond to the complaint by way of answer or motion, unless this time period is waived by the respondent. Any answer or motion shall be in writing, signed by the respondent and his counsel, if he has one, and shall be limited to the following:

(1) An admission or denial under oath, of the allegations set forth in the complaint, including negative and affirmative defenses, and any other relevant information, including supporting evidence which the respondent may desire to submit;

(2) An objection to the jurisdiction of the Committee to investigate the complaint; or

(3) An objection to the participation of any member of the Committee in an investigation of the complaint on the grounds that the member cannot render an impartial and unbiased decision in the case. The majority of the members present shall rule on the objection to the participation of any member of the Committee. A temporary replacement shall be made to serve on the Committee on Ethics for all actions concerning a particular complaint for any member of the Committee who is prevented from acting on a complaint under these rules.

B. Any motion submitted pursuant to this rule is not in lieu of an answer and shall be accompanied by a memorandum of points and authorities. Answers or motions not submitted within the twenty-one (21) calendar-day-period shall not be considered by the Committee.

C. The Chairman of the Committee shall pass upon such motions as soon as practicable and notice of the decision shall be furnished to the respondent and the complainant. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

D. Time limitations imposed by this Rule may be extended when, in the discretion of the Chairman, such extension would facilitate a fair and complete inquiry and may be shortened when the Chairman determines that there are special circumstances compelling expedition, and upon twenty-four (24) hours notice of said action to the respondent and the claimant.

E. In the event that a special counsel is retained by the Committee, the attorney-client privilege is applicable to the Committee and not to the House.

#### **RULE 7. Preliminary Hearings**

A. A preliminary hearing may be held to hear arguments based on the pleadings submitted in the case. The preliminary hearing shall be an open meeting. The committee shall provide the complainant and the respondent or counsel for the complainant and respondent an opportunity to present, orally or in writing, a statement, which shall be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the pleadings. A complainant or respondent who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

B. The committee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this committee in the matter now



under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by him to administer oaths. Members of the committee shall be give an opportunity to question the complainant and respondent or counsel for the complainant or respondent following the opening statements.

C. At the conclusion of the preliminary hearing, a majority of the Committee shall vote by roll call to either:

- (1) Dismiss the complaint; or
- (2) Proceed by
  - (a) undertaking an investigative hearing; or
  - (b) deciding the case based upon the preliminary hearing.

A decision based upon a preliminary hearing shall require the consent of the respondent.

D. If the committee decides to make a summary decision of the case and the respondent accepts this disposition the committee may, by a majority vote, recommend one of the following sanctions:

- (a) Letter of reproof;
- (b) Reprimand; or
- (c) Censure.

#### **RULE 8. Investigative Hearings**

A. An investigative hearing may be held on the record to receive evidence upon which to base findings, conclusions, and recommendations, if any, to the House. The Committee may require, by subpoena or otherwise, or by subpoena duces tecum, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Committee may obtain a court-issued subpoena in the event that any person refuses to obey the subpoena issued by the Committee.

B. Prior to setting a hearing date and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearings. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearings the Committee may expand or contract the scope in light of evidence received.

C. The order of the investigative hearing shall be as follows:

- (1) The Chairman shall open the hearing by stating the Committee's authority to conduct the investigation, the purpose of the investigation and its scope.
- (2) The complainant and the respondent or counsel for the complainant and respondent shall be permitted to make opening statements. Such opening statements shall not exceed fifteen minutes.
- (3) Testimony from witnesses and other evidence pertinent to the matter under investigation shall be received in the following order:
  - (a) Witnesses and other evidence offered by the complainant;
  - (b) Witnesses and other evidence offered by the respondent;
  - (c) Witnesses and other evidence offered by the Committee staff; and

**(d) Rebuttal witnesses.**

**(4) The Chairman or his designee shall examine each witness. The Committee members may then question the witness. The respondent or his counsel may then cross-examine the witness. Redirect or recross examination may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, if he has one, and then may be cross-examined by the complainant or his counsel, if he has one, and then may be cross-examined by the Chairman or his designee. Committee members may then question the witness. Redirect and recross examination may be permitted in the Chairman's discretion**

**D. Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear or affirm that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.**

**RULE 9. Admissibility of Evidence**

**A. The object of the hearings shall be to ascertain the truth. Any evidence that is relevant and probative shall be admissible, unless privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.**

**B. The Chairman or other member presiding shall rule upon any question of admissibility of testimony or evidence presented to the Committee. The Chairman or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.**

**C. At an investigative hearing, the burden of proof is on the complainant with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that he introduces.**

**RULE 10. Witnesses**

**A. A subpoena to a witness shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.**

**B. Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before his scheduled appearance.**

**C. Witnesses at investigative hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted in the discretion of the Committee.**

**D. The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon good cause shown by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.**

**E. The respondent is entitled to present witnesses in his behalf. However, the chairman may limit such testimony when, in his discretion, he finds the testimony is repetitious or cumulative.**

**F. Each witness subpoenaed by the committee shall be reimbursed for those reasonable expenses approved by the Committee.**

**G. Each witness shall be furnished a printed copy of the Rules of Procedure and the pertinent provisions of the Rules of the House applicable to the rights of witnesses.**

**H. Within ten (10) calendar days before the scheduled investigative hearing, the Chairman shall notify the respondent, in writing, of the witnesses that are to appear before the Committee. Within five (5) calendar days before the**

scheduled investigative hearing, the respondent shall notify the Committee, in writing, of the witnesses that are to appear in his behalf. Additional witnesses may be brought before the Committee, in the discretion of the Chairman or other member presiding and upon good cause, if their whereabouts or existence were unknown to the respondent at the time for submission of the witness list to Committee.

#### **RULE 11. Findings, Conclusions and Recommendations**

A. At the completion of the preliminary hearing or investigative hearings, the Committee, by a majority vote of its members, shall, within forty-five (45) days, adopt a report stating its findings and conclusions on the complaint. The report shall be filed with the Chief Clerk of the House and shall be printed in the House Journal. In the event the Committee finds that the complaint is not well-founded, the report shall so state, and shall include a copy of a Letter of Reproval if the Committee authorized such sanction. In the event the Committee finds that the complaint is well-founded, the report shall state the Committee's recommendation in a resolution appended thereto.

B. The resolution shall state the Committee's findings and conclusions on each allegation in the complaint with the recommendation that the House:

(1) Expel the member as provided in Article III, Section 18 of the Missouri Constitution;

(2) Punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution, or by censure by the Speaker in open session; or

(3) Take no further action, stating the reasons therefor.

#### **RULE 12. Matters not covered in these Rules of Procedure**

The Rules of Procedure of the United States House of Representatives Committee on Standards of Official Conduct of the 103rd Congress shall be taken as guidelines in deciding questions, issues, and other matters not otherwise provided for in these Rules of Procedure, except that the Rules of the Missouri House of Representatives governing the party representation on committees shall apply to this Committee.

### **COMMITTEE ASSIGNMENTS**

#### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Williams, Deleta C

Campbell, Marsha

Griesheimer, John E.

Ridgeway, Luann

Clayton, Robert

#### **JOINT COMMITTEE ON CAPITAL IMPROVEMENTS**

Ford, Louis H. C

Graham, James E.

Hegeman, Daniel J.

Carter, Paula J.

Harlan, Tim

#### **JOINT COMMITTEE ON CORRECTIONAL INSTITUTIONS AND PROBLEMS**

Kelly, Glenda C

Dolan, Jonathan

Graham, James E.

Summers, Don

Backer, Gracia Y.

Shelton, O.L.

**JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING**

Daniel, Lloyd C

Champion, Norma

Richardson, Mark L.

Bonner, Dennis

Wiggins, Gary

**JOINT COMMITTEE ON GAMING AND WAGERING**

Scheve, May C

Dolan, Jonathan

Foley, James Michael

Gross, Charles

Shelton, O.L.

**JOINT COMMITTEE ON HEALTH CARE POLICY AND PLANNING**

Davis, Dorathea C

Barry, Joan

Lakin, Scott

Naeger, Patrick A.

Shields, Charles W.

**JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Clayton, Robert C

Bartle, Matt

Legan, Kenneth

McClelland, Emmy L.

Scott, Delbert

Shelton, O.L.

Franklin, Richard

Koller, Don

Relford, Randall H.

Van Zandt, Tim

**JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Bonner, Dennis C

Elliott, T. Mark

Murphy, Jim



O'Toole, James P.

Reid, Michael J.

Hagan-Harrell, Mary M.

#### JOINT COMMITTEE ON WETLANDS

Reynolds, David L. C

Hegeman, Daniel J.

Ransdall, Bill L.

Richardson, Mark L.

Wiggins, Gary

#### HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was offered and read the first time:

HCR 9, introduced by Representative Bonner, to request the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 517, introduced by Representatives Backer, Hickey, O'Connor, Farnen, Leake, Williams (159) and Champion, et al, relating to the motorcycle safety program advisory committee.

HB 518, introduced by Representative Ross, relating to local sales tax for tourism.

HB 519, introduced by Representatives Relford, Klindt and Hegeman, relating to jails and jailer.

HB 520, introduced by Representatives McClelland, Gibbons, Cierpiot, Froelker, Hanaway and Marble, et al, relating to a tax credit against the state income tax for the payment of real property taxes.

HB 521, introduced by Representatives Cierpiot, Froelker, Hanaway and McClelland, et al, relating to income taxation.

HB 522, introduced by Representatives Chrismer, Cierpiot and Gibbons, et al, relating to sales taxation.

HB 523, introduced by Representative Hosmer, relating to certain licensed professionals who are in default on student loans.

HB 524, introduced by Representatives Ransdall and Wiggins, relating to fees on hazardous wastes.

HB 525, introduced by Representative Reid, relating to income taxation.

HB 526, introduced by Representatives Howerton, Patek and Ridgeway, et al, relating to motor vehicle license plates.

HB 527, introduced by Representatives Griesheimer and Overschmidt, relating to county clerks.

HB 528, introduced by Representatives Chrismer, Ross, Miller, Gaskill, Boucher, Reynolds, Merideth and Reid, et al, relating to public holidays.

HB 529, introduced by Representative May (108), relating to child passengers in motor vehicles.

HB 530, introduced by Representatives May (108) and Liese, relating to credit transactions.

HB 531, introduced by Representatives May (108) and O'Toole, relating to drivers' licenses.

HB 532, introduced by Representative Williams (121), et al, relating to income taxation.

HB 533, introduced by Representative Rizzo, relating to employment of illegal aliens.

HB 534, introduced by Representatives Gibbons, Stokan and Loudon, relating to the appointment of a guardian or conservator.

HB 535, introduced by Representatives Clayton, Troupe and May (108), relating to the tort victims' compensation fund.

HB 536, introduced by Representative Clayton, relating to lobbyist reports.

HB 537, introduced by Representative Hollingsworth, relating to motor vehicle financial responsibility.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 193, entitled:

An act to amend chapter 94, RSMo, by adding thereto one new section relating to sales tax for flood relief projects, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILLS

January 18, 1999

The Honorable Steve Gaw  
Room 308 State Capitol  
Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that HB 285 be withdrawn. Thank you for your attention to this matter.

Cordially,

/s/ W. Craig Hosmer  
State Representative  
District 138

January 20, 1999

The Honorable Steve Gaw  
Speaker, House of Representatives  
Capitol Building  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that House Bill No. 388 be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Thomas J. Hoppe

State Representative

46th Legislative District

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, January 21, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Eighth Day, Tuesday, January 19, 1999, page 159, line 12, by deleting the name "Backer" and inserting in lieu thereof the name "Bartelsmeyer".

Pages 158 and 159, roll call, by showing Representative Klindt voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 25, 1999, 1:00 pm. Hearing Room 9. Elected Officials.

##### APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, January 25, 1999, 9:00 am. Hearing Room 6.

Public testimony regarding the Dept. of Mental Health.

##### APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, January 26, 1999, 12:00 pm. Hearing Room 6. Public testimony regarding issues relevant to the Dept. of Mental Health.

#### BUDGET

Thursday, January 21, 1999, 9:00 am. Hearing Room 6. Organizational meeting.

Presentation by Mark Ward/FY 2000 Budget overview. AMENDED NOTICE

#### HOUSE CALENDAR

TENTH DAY, THURSDAY, JANUARY 21, 1999

#### HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 9

**HOUSE BILLS FOR SECOND READING**

**HB 517 through HB 537**

**SENATE BILLS FOR SECOND READING**

**SCS SB 128**

**SB 193**

**HOUSE RESOLUTION**

**HR 72 (1-20-99) - Clayton**

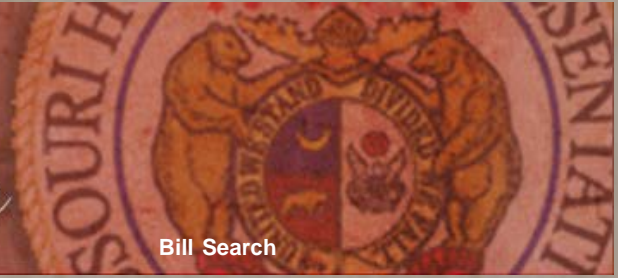


**Missouri House of Representatives**



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

TENTH DAY, Thursday, January 21, 1999

Speaker Gaw in the Chair.

Prayer by Marilyn Seaton, House Docket Clerk.

Father, please put Your arm around our shoulders and walk with us this day.

Should we not be able to speak kindly and honestly this day, please put Your hand over our mouths. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the ninth day was approved as corrected by the following vote:

AYES: 160

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Pryor Troupe

VACANCIES: 001

## **RESOLUTIONS**

Representative Patek offered House Resolution No. 79.

Representative O'Toole offered House Resolution No. 80.

Representative Murphy offered House Resolution No. 81.

Representative Bartelsmeyer offered House Resolution No. 82 through House Resolution No. 84.

Representative Hegeman offered House Resolution No. 85.

Representative Gratz offered House Resolution No. 86.

Representative Luetkenhaus offered House Resolution No. 87.

Representatives Richardson and Foster offered House Resolution No. 88.

Representative Townley offered House Resolution No. 89.

Representatives Scheve and Enz offered House Resolution No. 90 and House Resolution

No. 91.

Representative Graham (24) offered House Resolution No. 92.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 9** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 517** through **HB 537** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SCS SB 128** and **SB 193** were read the second time.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 6** - Rules, Joint Rules, Bills Perfected and Printed

**HCR 7** - Rules, Joint Rules, Bills Perfected and Printed

#### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 5** - Education - Elementary and Secondary

#### **HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was offered and read the first time:

**HCR 10**, introduced by Representative Williams (121), relating to the creation of a Joint Committee on Immigration in Missouri.

#### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 17**, introduced by Representatives Blunt, Pouche, King, Kasten, Loudon, Wright, Bennett and Hendrickson, et al, relating to funds received through certain legal settlements.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 538**, introduced by Representatives Levin and Gibbons, et al, relating to tax increment financing projects.

**HB 539**, introduced by Representative Gibbons, et al, relating to jurisdiction of juvenile courts.

**HB 540**, introduced by Representative Skaggs, relating to school attendance.

**HB 541**, introduced by Representatives Kreider, Williams (159), Hegeman, Legan, Berkstresser, Merideth and Blunt, et al, relating to promotion of agriculture and horticulture.

**HB 542**, introduced by Representative Barry, relating to tax credits for contributions for certain charitable purposes.

**HB 543**, introduced by Representative Skaggs, relating to retirement systems for state employees.

**HB 544**, introduced by Representative Hosmer, relating to school operations.

**HB 545**, introduced by Representative Froelker, relating to the show-me scholarship.

**HB 546**, introduced by Representatives Farnen and Townley, relating to Linn State Technical College.

**HB 547**, introduced by Representatives Shields, Kelly (27), Lawson and Hegeman, relating to the A+ schools program.

**HB 548**, introduced by Representative Kennedy, relating to sales tax on food.

**HB 549**, introduced by Representative Howerton, relating to election ballots.

**HB 550**, introduced by Representatives Howerton and Ridgeway, et al, relating to maintenance of records for long-term care facilities.

**HB 551**, introduced by Representative Clayton, relating to methamphetamine.

**HB 552**, introduced by Representatives Green, Chrismer, George, Monaco, Reynolds, Hendrickson and Hoppe, et al, relating to the housing development commission.

**HB 553**, introduced by Representatives Riback Wilson, Carter, Boykins, Relford, Gunn, Lakin and Troupe, et al, relating to earned income tax credit.

**HB 554**, introduced by Representative Luetkenhaus, relating to handicapped access to certain state parks.

**HB 555**, introduced by Representatives Shelton, Gunn, Auer, Boykins, Carter, Hilgemann and Thompson (72), et al, relating to minority teaching scholarships.

**HB 556**, introduced by Representatives Shelton, Gunn, Auer, Carter, Boykins and Thompson (72), et al, relating to teachers career plan development.

**HB 557**, introduced by Representatives Kennedy, Carter, Hilgemann, Boykins and Auer, et al, relating to teachers' licensing.

**HB 558**, introduced by Representative Hendrickson, et al, relating to motor vehicles.

**HB 559**, introduced by Representative Hendrickson, et al, relating to motor vehicles.

**HB 560**, introduced by Representative Hilgemann, relating to property tax abatement.

**HB 561**, introduced by Representatives Hilgemann, Carter, Boykins, May (108), Auer and Thompson (72), et al, relating to multiyear teacher-student grouping pilot programs.

**HB 562**, introduced by Representatives Gambaro and Davis (63), et al, relating to tax credits for school donations.

**HB 563**, introduced by Representatives Auer, Carter, Kennedy, Boykins, Dougherty, Hilgemann and Thompson (72), et al, relating to the Missouri critical teacher shortage forgivable loan program.

**HB 564**, introduced by Representatives Auer, Carter, Kennedy, Boykins, Dougherty, Hilgemann and Thompson (72), et al, relating to teacher shortages.

**HB 565**, introduced by Representatives Auer, Carter, Hilgemann, May (108), Boykins, Thompson (72), et al, relating to the Missouri teachers corps.

**HB 566**, introduced by Representatives May (108), O'Toole, Foley and Hickey, relating to the department of natural resources.

**HB 567**, introduced by Representatives Boykins, Carter, Hilgemann, May (108), Auer and Thompson (72), et al, relating to teachers.

**HB 568**, introduced by Representative May (108), relating to unlawful employment of firefighters and law enforcement officers.

**HB 569**, introduced by Representative Hosmer, relating to public safety offenses.

**HB 570**, introduced by Representative Rizzo, relating to witness testimony.

**HB 571**, introduced by Representatives Gibbons, McClelland, Hartzler (124), King and Vogel, relating to special license plates for the Missouri Drug Abuse Resistance Education (D.A.R.E.) Officers' Association.



HB 572, introduced by Representative Pryor, et al, relating to sheltered workshops.  
HB 573, introduced by Representative Pryor, et al, relating to public safety officers killed in the line of duty.  
HB 574, introduced by Representative Pryor, et al, relating to watercraft regulation.  
HB 575, introduced by Representative Pryor, et al, relating to watercraft regulations.  
HB 576, introduced by Representative Pryor, et al, relating to watercraft regulation.  
HB 577, introduced by Representative Pryor, et al, relating to registration of watercrafts.  
HB 578, introduced by Representative Surface, relating to motor vehicle license plates.  
HB 579, introduced by Representatives Dolan, Ostmann and Luetkenhaus, relating to passing bad checks.  
HB 580, introduced by Representative Hosmer, relating to interstate orders of protection.

#### COMMUNICATION

January 21, 1999

Ms. Anne Walker, Chief Clerk  
House of Representatives  
Capitol Building  
Jefferson City, Missouri 65101

Re: Ethics Rules of Procedure

Dear Ms. Walker:

I am writing with a correction to the Journal for the Ninth day, Wednesday, January 20, 1999, page 186. I would specifically refer you to the middle of page 186 with the communication directed to "Mr. Speaker:"

The Rules of Procedure for the House Ethics Committee were drafted and approved by the House Ethics Committee pursuant to Rule 38 of the House Rules. They were not referred by the Speaker nor were they approved pursuant to 105.474.3(2)(c)d RSMo.

There are no substantive changes to the Rules of Procedure as listed within the Journal. Thank you very much for your assistance in this matter and I apologize for burdening you with this correction.

Very truly yours,

/s/ Robert M. Clayton III  
Representative  
District Ten

#### WITHDRAWAL OF HOUSE BILLS

January 21, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
Room 307  
Missouri State Capitol  
Jefferson City, MO 65101

Dear Ms. Walker,

I respectfully request that House Bill 181 be withdrawn.

Thank you for your time and attention.

Respectfully,

/s/ Harry Kennedy  
State Representative  
66th District

January 21, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
Room 307  
Missouri State Capitol  
Jefferson City MO 65101

Dear Ms. Walker:

I respectfully request to withdraw House Bill 215.

Thank you for your assistance.

Sincerely

/s/ Kelly Parker  
State Representative  
District 150

The following member's presence was noted: Pryor.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, January 25, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Ninth Day, Wednesday, January 20, 1999, pages 169, roll call, by showing Representatives Abel, Champion and Saltee voting "aye" rather than "absent with leave".

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Monday, January 25, 1999, 1:00 pm. Hearing Room 7. Organizational Meeting.

Overview of the Four Year Formula.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Monday, January 25, 1999, 1:00 pm. Hearing Room 9. Elected Officials.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 26, 1999. Hearing Room 9 upon adjournment. Dept. of Revenue.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, January 25, 1999, 9:00 am. Hearing Room 6.

Public testimony regarding the Dept. of Mental Health.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, January 26, 1999, 12:00 pm. Hearing Room 6.

Public testimony regarding issues relevant to the Dept. of Mental Health.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Monday, January 25, 1999, 12:00 pm. Hearing Rooms 1 and 2.

Dept. of Social Services. Public testimony.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, January 26, 1999, 12:00 pm. Hearing Rooms 1 and 2.

Dept. of Social Services. Public testimony.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, January 27, 1999, 12:00 pm. Hearing Rooms 1 and 2.

Dept. of Corrections. Public testimony.

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, January 27, 1999, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE.

To be considered - HB 76, HB 103, HB 106, HB 135, HB 136

#### **CONSUMER PROTECTION AND HOUSING**

Tuesday, January 26, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 52, HB 91

## **CORRECTIONAL & STATE INSTITUTIONS**

**Tuesday, January 26, 1999, 8:00 pm. Hearing Room 9. Organizational Meeting.**

## **CRIMINAL LAW**

**Wednesday, January 27, 1999, 8:00 pm. Hearing Room 9.**

**To be considered - HB 26, HB 42, HB 46, HB 82, HB 117, HB 165, HB 183**

## **CRITICAL ISSUES**

**Monday, January 25, 1999, 8:00 pm. Hearing Room 6.**

**To be considered - HB 101, HB 108, HB 129**

## **EDUCATION - ELEMENTARY AND SECONDARY**

**Tuesday, January 26, 1999, 3:00 pm. Hearing Room 8.**

**To be considered - HB 54, HB 56**

## **ENVIRONMENT AND ENERGY**

**Thursday, January 28, 1999, 8:30 am. Hearing Room 9.**

**To be considered - HB 53, HB 67, HB 145**

## **INSURANCE**

**Tuesday, January 26, 1999, 8:30 am. Hearing Room 8.**

**To be considered - HB 34, HB 142**

## **JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

**Monday, January 25, 1999, 2:30 pm. Senate Committee Rooms 2 and 3.**

**Presentation of Oversight reports.**

## **JUDICIARY**

**Tuesday, January 26, 1999, 3:00 pm. Hearing Room 5.**

**To be considered - HB 104, HB 130, HB 140, HB 161**

## **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

**Tuesday, January 26, 1999, 3:00 pm. Hearing Room 7.**

**To be considered - HB 32, HB 48, HB 60, HB 78**

## **PUBLIC HEALTH AND SAFETY**

**Tuesday, January 26, 1999, 3:00 pm. Hearing Room 9.**



To be considered - HB 31, HB 39, HB 94

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Tuesday, January 26, 1999. Hearing Room 5 upon adjournment. Discussion of Rule 28.

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, January 26, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 30

**WAYS AND MEANS**

Tuesday, January 26, 1999, 3:30 pm. Hearing Room 6. Organizational Meeting.

Presentations from OA, Dept.of Revenue, State Tax Commission. AMENDED NOTICE.

To be considered - HB 143

**HOUSE CALENDAR**

**ELEVENTH DAY, MONDAY, JANUARY 25, 1999**

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 10

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 17

**HOUSE BILLS FOR SECOND READING**

HB 538 through HB 580

**HOUSE RESOLUTION**

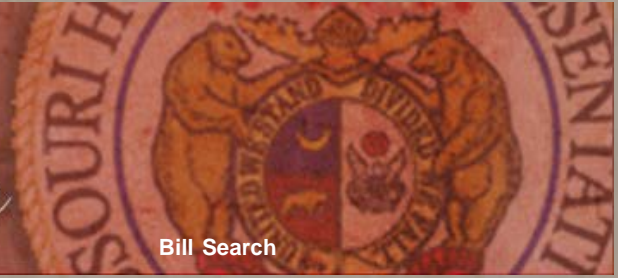
HR 72, (1-20-99, pgs. 186-191) - Clayton



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

ELEVENTH DAY, Monday, January 25, 1999

Speaker Gaw in the Chair.

Prayer by the Reverend Dr. Stephen Buchholz, Central United Church of Christ.

Holy God, after a weekend of recess, this body is reassembled again to consider the important issues before them for the greater good of the people of Missouri. Be that source of Divine presence, guidance, inspiration, and strength, for these individuals who come from many and varied communities, backgrounds, and home environments to exercise their established elected authority in this legislative process. Enable them always to see their responsibility as that entrusted to them for the greatest good of all citizens, and not just for special interest or for party gain. Bless them in the sacred trust they hold by merit of their office, and in all they do, as they begin another week for the people they represent. For this we pray in honor of your holy presence. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the tenth day was approved as printed by the following vote:

AYES: 158

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Hoppe King Reynolds Thompson 37

VACANCIES: 001

## **RESOLUTIONS**

Representative Purgason offered House Resolution No. 93.

Representative Bartelsmeyer offered House Resolution No. 94.

## **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 10** was read the second time.

## **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 17** was read the second time.

## **SECOND READING OF HOUSE BILLS**

**HB 538** through **HB 580** were read the second time.

## HOUSE RESOLUTION

**HR 72**, relating to Committee on Ethics Rules of Procedure, was taken up by Representative Clayton.

On motion of Representative Clayton, **HR 72** was adopted by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright



Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Bray 84 Champion Hoppe King Purgason

Thompson 37

VACANCIES: 001

#### **REFERRAL OF ELECTION CONTESTS**

The following Election Contests were referred to the Committee indicated:

**House Election Contest No. 1**, David Forgy vs. Linda Bartelsmeyer - Elections

**House Election Contest No. 2**, Robert L. May vs. Jerry E. McBride - Elections

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 1** - Judiciary

**HJR 2** - Elections

**HJR 3** - Education - Higher

**HJR 4** - Fiscal Review

**HJR 7** - Ways and Means

**HJR 8** - Elections

**HJR 9** - Fiscal Review

**HJR 10** - Criminal Law

**HJR 11** - Public Health

**HJR 12** - Criminal Law

**HJR 13** - Ways and Means

**HJR 14** - Fiscal Review

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 36** - Criminal Law

**HB 40** - Criminal Law

**HB 58** - Environment and Energy

**HB 63** - Correctional and State Institutions

**HB 64** - Local Government and Related Matters

**HB 147** - Consumer Protection and Housing

**HB 188** - Consumer Protection and Housing

**HB 189** - Insurance

**HB 190** - Insurance

**HB 191** - Public Health

**HB 192** - Consumer Protection and Housing

**HB 193** - Education - Elementary and Secondary

**HB 194** - Professional Registration and Licensing

**HB 195** - Critical Issues

**HB 196** - Criminal Law

**HB 197** - Professional Registration and Licensing

**HB 198** - Elections

**HB 199** - Civil and Administrative Law

**HB 200** - Critical Issues

**HB 201** - Governmental Organization and Review

**HB 203** - Public Health

**HB 204** - Public Health

**HB 206** - Judiciary

**HB 208** - Local Government and Related Matters

**HB 209** - Judiciary

**HB 210** - Motor Vehicle and Traffic Regulations

**HB 212** - Education - Elementary and Secondary

**HB 213** - Education - Elementary and Secondary

**HB 214** - Ways and Means

**HB 216** - Environment and Energy

**HB 217** - Civil and Administrative Law

**HB 218** - Ways and Means

**HB 219** - Environment and Energy

**HB 220** - Ways and Means

**HB 221** - Civil and Administrative Law

**HB 222** - Civil and Administrative Law

**HB 223** - Retirement

**HB 224** - Miscellaneous Bills and Resolutions

**HB 225** - Critical Issues

**HB 226** - Retirement

**HB 227** - Ways and Means

**HB 228** - Professional Registration and Licensing

**HB 229** - Public Health

**HB 230** - Education - Higher

**HB 231** - Transportation

**HB 232** - Critical Issues

**HB 233** - Ways and Means

**HB 234** - Ways and Means

**HB 235** - Ways and Means

**HB 236** - Ways and Means

**HB 237** - Ways and Means

**HB 238** - Ways and Means

**HB 239** - Ways and Means

**HB 240** - Ways and Means

**HB 241** - Ways and Means

**HB 242** - Judiciary

**HB 243** - Judiciary

**HB 244** - Elections

**HB 245** - Judiciary

**HB 246** - Ways and Means

**HB 247** - Motor Vehicle and Traffic Regulations

**HB 248** - Public Safety and Law Enforcement

**HB 250** - Children, Youth and Families

**HB 251** - Commerce

**HB 252** - Children, Youth and Families

**HB 253** - Civil and Administrative Law

**HB 254** - Professional Registration and Licensing

**HB 255** - Labor

**HB 256** - Labor

**HB 257** - Criminal Law

**HB 258** - Local Government and Related Matters

**HB 259** - Judiciary

**HB 260** - Insurance

**HB 261** - Municipal Corporations

**HB 262** - Municipal Corporations

**HB 263** - Retirement

**HB 264** - Consumer Protection and Housing

**HB 265** - Professional Registration and Licensing

**HB 266** - Criminal Law

**HB 267** - Local Government and Related Matters

**HB 268** - Local Government and Related Matters

**HB 269** - Children, Youth and Families

**HB 271** - Correctional and State Institutions

**HB 272** - Professional Registration and Licensing

**HB 273** - Ways and Means

**HB 274** - Judiciary

**HB 275** - Municipal Corporations

**HB 277** - Insurance

**HB 278** - Public Health

**HB 279** - Criminal Law

**HB 280** - Ways and Means

**HB 281** - Education - Elementary and Secondary

**HB 282** - Judiciary

**HB 283** - Criminal Law

**HB 284** - Judiciary

**HB 286** - Criminal Law

**HB 287** - Fiscal Review

**HB 288** - Local Government and Related Matters

**HB 289** - Ways and Means

**HB 290** - Federal-State Relations and Veterans Affairs

**HB 291** - Criminal Law

**HB 292** - Motor Vehicle and Traffic Regulations

**HB 294** - Elections

**HB 295** - Ways and Means

**HB 296** - Ways and Means

**HB 297** - Elections

**HB 298** - Public Health

**HB 299** - Consumer Protection and Housing

**HB 300** - Local Government and Related Matters

**HB 301** - Judiciary

**HB 302** - Judiciary

**HB 303** - Professional Registration and Licensing

**HB 304** - Ways and Means

**HB 305** - Professional Registration and Licensing

**HB 306** - Social Services, Medicaid and the Elderly

**HB 307** - Ways and Means

**HB 308** - Children, Youth and Families

**HB 309** - Civil and Administrative Law

**HB 310** - Retirement

**HB 311** - Judiciary

**HB 312** - Ways and Means

**HB 313** - Elections

**HB 314** - Public Safety and Law Enforcement

**HB 315** - Motor Vehicle and Traffic Regulations



**HB 316** - Public Health

**HB 317** - Education - Elementary and Secondary

**HB 318** - Public Safety and Law Enforcement

**HB 319** - Governmental Organization and Review

**HB 320** - Public Health

**HB 321** - Education - Higher

**HB 322** - Ways and Means

**HB 323** - Correctional and State Institutions

**HB 324** - Agriculture

**HB 325** - Criminal Law

**HB 326** - Federal-State Relations and Veterans Affairs

**HB 327** - Criminal Law

**HB 328** - Criminal Law

**HB 329** - Local Government and Related Matters

**HB 330** - Education - Elementary and Secondary

**HB 332** - Social Services, Medicaid and the Elderly

**HB 333** - Ways and Means

**HB 334** - Judiciary

**HB 335** - Public Safety and Law Enforcement

**HB 336** - Motor Vehicle and Traffic Regulations

**HB 337** - Local Government and Related Matters

**HB 338** - Transportation

**HB 339** - Criminal Law

**HB 340** - Miscellaneous Bills and Resolutions

**HB 341** - Criminal Law

**HB 342** - Criminal Law

**HB 343** - Professional Registration and Licensing

**HB 344** - Local Government and Related Matters

**HB 345** - Elections

**HB 346** - Urban Affairs

**HB 347** - Urban Affairs

**HB 348** - Civil and Administrative Law

**HB 349** - Social Services, Medicaid and the Elderly

**HB 350** - Judiciary

**HB 351** - Ways and Means

**HB 352** - Local Government and Related Matters

**HB 353** - Professional Registration and Licensing

**HB 354** - Insurance

**HB 355** - Motor Vehicle and Traffic Regulations

**HB 356** - Workers Compensation and Employment Security

**HB 358** - Public Health

**HB 359** - Criminal Law

**HB 360** - Public Safety and Law Enforcement

**HB 361** - Motor Vehicle and Traffic Regulations

**HB 362** - Critical Issues

**HB 363** - Motor Vehicle and Traffic Regulations

**HB 364** - Motor Vehicle and Traffic Regulations

**HB 365** - Ways and Means

**HB 366** - Local Government and Related Matters

**HB 367** - Transportation

**HB 368** - Governmental Organization and Review

**HB 369** - Fiscal Review

**HB 370** - Criminal Law

**HB 371** - Ways and Means

**HB 372** - Professional Registration and Licensing

**HB 373** - Ways and Means

**HB 374** - Ways and Means

**HB 375** - Ways and Means

**HB 376** - Ways and Means

**HB 377** - Public Health

**HB 378** - Education - Elementary and Secondary

**HB 379** - Criminal Law

**HB 380** - Judiciary

**HB 381** - Local Government and Related Matters

**HB 382** - Civil and Administrative Law

**HB 383** - Governmental Organization and Review

**HB 384** - Judiciary

**HB 385** - Education - Elementary and Secondary

**HB 386** - Education - Elementary and Secondary

**HB 387** - Education - Elementary and Secondary

**HB 389** - Local Government and Related Matters

**HB 391** - Public Safety and Law Enforcement

**HB 392** - Ways and Means

**HB 393** - Ways and Means

**HB 394** - Ways and Means

**HB 395** - Judiciary

**HB 396** - Elections

**HB 397** - Insurance

**HB 398** - Civil and Administrative Law

**HB 399** - Ways and Means

**HB 400** - Motor Vehicle and Traffic Regulations  
**HB 401** - Public Health  
**HB 402** - Local Government and Related Matters  
**HB 404** - Criminal Law  
**HB 405** - Ways and Means  
**HB 406** - Utilities Regulation  
**HB 407** - Local Government and Related Matters  
**HB 408** - Motor Vehicle and Traffic Regulations  
**HB 410** - Ways and Means  
**HB 411** - Civil and Administrative Law  
**HB 412** - Local Government and Related Matters  
**HB 413** - Civil and Administrative Law  
**HB 414** - Motor Vehicle and Traffic Regulations  
**HB 416** - Professional Registration and Licensing  
**HB 417** - Children, Youth and Families  
**HB 418** - Governmental Organization and Review  
**HB 419** - Retirement  
**HB 420** - Critical Issues  
**HB 421** - Ways and Means  
**HB 422** - Public Safety and Law Enforcement  
**HB 423** - Public Safety and Law Enforcement  
**HB 424** - Criminal Law  
**HB 425** - Criminal Law  
**HB 426** - Civil and Administrative Law  
**HB 427** - Criminal Law  
**HB 428** - Civil and Administrative Law  
**HB 429** - Local Government and Related Matters

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SB 128** - Judiciary

**SB 193** - Urban Affairs

#### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed to which was referred **HCR 6** and **HCR 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

HOUSE COMMITTEE SUBSTITUTE

FOR

## HOUSE CONCURRENT RESOLUTIONS NOS. 6 & 7

An act by concurrent resolution to disapprove the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

**Whereas**, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

**Whereas**, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the members of the General Assembly and state judges is to be set by the Missouri Citizen's Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

**Whereas**, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1998; and

**Whereas**, the Revisor of Statutes has received the 1998 Report and Compensation Schedule (Appendix A) of the Missouri Citizen's Commission on Compensation for Elected Officials, dated November 30, 1998; and

**Whereas**, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly by February 1, 1999; and

**Whereas**, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, hereby reject the 1998 Compensation Schedule (Appendix A) of the 1998 Report and Compensation Schedule of the Missouri Citizen's Commission on Compensation for Elected Officials, dated November 30, 1998.

### HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was offered and read the first time:

**HCR 11**, introduced by Representative Mays (50), relating to creating a Joint Interim Committee on Telecommunications and Energy.

### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 581**, introduced by Representative Ridgeway, relating to workers' compensation.

**HB 582**, introduced by Representative Kennedy, relating to police relief and pension systems.

**HB 583**, introduced by Representatives Barry, Kreider, Crump, Koller and Leake, relating to prescription authority.

**HB 584**, introduced by Representative Hartzler (124), et al, relating to the operation of motor vehicles.

**HB 585**, introduced by Representatives Hartzler (124), Ostmann, Cierpiot and Reinhart, et al, relating to motor vehicle drivers'



licenses.

**HB 586**, introduced by Representatives Green, Rizzo, Wagner, McKenna, Reynolds, George and Foley, et al, relating to project labor agreements.

**HB 587**, introduced by Representative Mays (50), relating to utility taxation.

**HB 588**, introduced by Representative Leake, relating to watercraft registration and licensing.

**HB 589**, introduced by Representative Graham (106), to authorize the conveyance of state property to the city of Farmington.

**HB 590**, introduced by Representative Van Zandt, relating to government contracts for the examination of taxpayers' records.

**HB 591**, introduced by Representative Koller, relating to sales tax exemptions.

**HB 592**, introduced by Representative Koller, relating to the law enforcement sales tax.

**HB 593**, introduced by Representative Koller, relating to special license plates for the Missouri Conservation Heritage Foundation.

**HB 594**, introduced by Representative Shelton, relating to licensed gaming activities.

**HB 595**, introduced by Representative Parker, relating to court costs for jails.

**HB 596**, introduced by Representatives Auer and Shelton, relating to transitional school districts.

**HB 597**, introduced by Representatives Pouche and Dolan, relating to clean lakes.

**HB 598**, introduced by Representative Pouche, relating to employment security.

**HB 599**, introduced by Representatives Auer and Gunn, relating to insurance receivership.

**HB 600**, introduced by Representatives Hartzler (123), Boucher, Reynolds, Dolan, Ransdall, Wagner and Merideth, et al, relating to income taxation.

**HB 601**, introduced by Representatives Troupe, Riback Wilson, Schilling, Gratz, Crump, Leake and Boykins, et al, relating to education for inmates.

**HB 602**, introduced by Representative Crawford, relating to the crime victims' compensation fund.

**HB 603**, introduced by Representatives Wiggins and Ransdall, et al, relating to solid waste.

**HB 604**, introduced by Representatives Riback Wilson, Carter, Reid, Sallee, Reynolds and Backer, et al, relating to the Missouri family trust.

**HB 605**, introduced by Representatives Franklin, Crump, Koller, Treadway, Leake, Skaggs and Hagan-Harrell, et al, relating to retirement systems for state employees.

**HB 606**, introduced by Representative Hosmer, relating to tampering with a public record.

#### **ADJOURNMENT**

On motion of Representative Foley, the House adjourned until 10:00 a.m., Tuesday, January 26, 1999.

#### **COMMITTEE MEETINGS**

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

**Tuesday, January 26, 1999, 10:30 am. Hearing Room 7.**

**MO Southern, Southeast, Lincoln, Truman, MO Western, Community Colleges.**

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

**Wednesday, January 27, 1999, 10:30 am. Hearing Room 7.**

**Coordinating Board for Higher Education. Judiciary.**

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

**Thursday, January 28, 1999, 10:30 am. Hearing Room 7. Public Defender Commission.**

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, January 26, 1999. Hearing Room 9 upon adjournment. Dept. of Revenue.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, January 27, 1999, 11:30 am. Hearing Room 9. State Treasurer, MoDOT.

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, January 26, 1999, 12:00 pm. Hearing Room 6.

Public testimony regarding issues relevant to the Dept. of Mental Health.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, January 26, 1999, 12:00 pm. Hearing Rooms 1 and 2.

Dept. of Social Services. Public testimony.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, January 27, 1999, 12:00 pm. Hearing Rooms 1 and 2.

Dept. of Corrections. Public testimony.

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, January 27, 1999, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE

To be considered - HB 76, HB 103, HB 106, HB 135, HB 136

**CONSUMER PROTECTION AND HOUSING**

Tuesday, January 26, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 52, HB 91

**CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, January 26, 1999, 8:00 pm. Hearing Room 9. Organizational Meeting.

**CRIMINAL LAW**

Wednesday, January 27, 1999, 8:00 pm. Hearing Room 9.

To be considered - HB 26, HB 42, HB 46, HB 82, HB 117, HB 165, HB 183

**EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, January 26, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 54, HB 56

**EDUCATION - HIGHER**

Wednesday, January 27, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 27

**ENVIRONMENT AND ENERGY**

Thursday, January 28, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 53, HB 67, HB 145

#### **INSURANCE**

Tuesday, January 26, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 34, HB 142

#### **JUDICIARY**

Tuesday, January 26, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 104, HB 130, HB 140, HB 161

#### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, January 27, 1999, 8:00 am. Hearing Room 6. Executive session may follow.

To be considered - HB 41, HB 224

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Tuesday, January 26, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 32, HB 48, HB 60, HB 78

#### **PUBLIC HEALTH**

Tuesday, January 26, 1999, 3:00 pm. Hearing Room 9.

To be considered - HB 31, HB 39, HB 94

#### **RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Tuesday, January 26, 1999. Hearing Room 5 upon adjournment.

Discussion of Rule 28. AMENDED NOTICE. EXECUTIVE SESSION TO FOLLOW.

#### **SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, January 26, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 30, HB 170, HB 349

#### **TRANSPORTATION**

Wednesday, January 27, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 177, HB 231, HB 338, HB 367

#### **URBAN AFFAIRS**

Tuesday, January 26, 1999, 8:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 35, SB 193. Executive session may follow.

#### **UTILITIES REGULATION**

Thursday, January 28, 1999, 8:15 am. Hearing Room 8. Organizational meeting.

To be considered - HB 112

**WAYS AND MEANS**

**Tuesday, January 26, 1999, 3:30 pm. Hearing Room 6. Organizational Meeting.**

**Presentations from OA, Dept.of Revenue, State Tax Commission. AMENDED NOTICE**

**To be considered - HB 143**

**HOUSE CALENDAR**

**TWELFTH DAY, TUESDAY, JANUARY 26, 1999**

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

**HCR 11**

**HOUSE BILLS FOR SECOND READING**

**HB 581 through HB 606**

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING - LAW**

**HCS HCRs 6 and 7 - Koller**

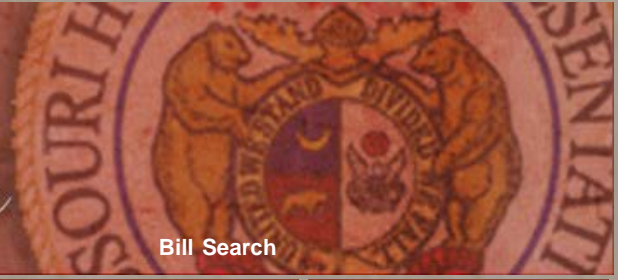


**Missouri House of Representatives**



# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

TWELFTH DAY, Tuesday, January 26, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Dr. Stephen Buchholz.

Lord God, as this body starts another full day of work, we pause at this beginning point to open our hearts to the promptings of Your spirit. There are so many issues, so many angles and fine points that must be considered to reach a decision - to form an opinion - that at times this work becomes overwhelming. So we ask this day that You will gently attend to these Representatives in ways that will bring insight in the midst of their conscientious and sincere desire to do what is right.

We also acknowledge the eyes of the world will be focused upon our great State for the next day and a half with the Papal visit. We are honored, O God, for the presence of the Pope and for the visit from our President today and pray that this historic experience will be a blessing for the people of our State. Irregardless of our beliefs, or faith persuasions, the Pope does remind all of us of Spirituality and Religion and for that we are grateful and pray his presence will positively influence us in our work today as our thoughts are turned to You, O Creator God: in whose name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Denny Niebaum, Ashley Myers, Gabe Myers, Jordan Godsell, Chris Summers, Rachel Williamson, Mack Grayson Bartle and Elizabeth Kay Bartle.

The Journal of the eleventh day was approved as corrected by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Champion Chrismer

Cierpiot Clayton Cooper Crawford Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Carter Crump Naeger Scott Secrest

VACANCIES: 001

## **RESOLUTIONS**

Representative Patek offered House Resolution No. 95.

Representatives Gross and Bennett offered House Resolution No. 96.

Representative Gross offered House Resolution No. 97.

Representative Boucher offered House Resolution No. 98.

Representative Secrest offered House Resolution No. 99.

Representatives Gibbons and Secrest offered House Resolution No. 100 and House Resolution No. 101.

Representative Gibbons offered House Resolution No. 102.

Representative Lawson offered House Resolution No. 103 through House Resolution No. 105.

Representative Fitzwater offered House Resolution No. 106.

Representative Cierpiot offered House Resolution No. 107.

Representative Ridgeway offered House Resolution No. 108 through House Resolution No. 110.

Representative Crawford offered House Resolution No. 111.

Representatives Backer, Vogel and Gratz offered House Resolution No. 112.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 11** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 581** through **HB 606** were read the second time.

#### **PERFECTION OF HOUSE CONCURRENT RESOLUTIONS**

**HCS HCRs 6 & 7**, relating to compensation for elected officials, was taken up by Representative Koller.

Representative Koller moved that Rule 43 be suspended.

Which motion was adopted by the following vote:

**AYES: 145**

**Abel Akin Alter Backer Ballard**

**Barnett Barry 100 Bartelsmeyer Bartle Bennett**

**Berkowitz Berkstresser Black Blunt Boatright**

**Bonner Boucher Boykins Bray 84 Britt**

**Burton Campbell Champion Chrismer Cierpiot**

**Clayton Cooper Crawford Daniel 42 Daniels 41**

**Davis 122 Davis 63 Days Dolan Dougherty**

**Elliott Enz Evans Farnen Fitzwater**

**Foley Foster Franklin Fraser Gambaro**

**Gaskill George Gibbons Graham 106 Graham 24**

**Gratz Green Griesheimer Gross Gunn**

**Hagan-Harrell Hampton Hanaway Harlan Hartzler 123**

**Hartzler 124 Hegeman Hendrickson Hickey Hilgemann**

**Holand Hollingsworth Hoppe Hosmer Howerton**

Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Murphy  
Murray Myers Nordwald O'Connor Ostmann  
Overschmidt Patek Pouche Pryor Purgason  
Ransdall Reinhart Relford Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

**NOES: 010**

Auer Ford Froelker Hohulin Monaco  
O'Toole Parker Reid Reynolds Troupe

**PRESENT: 001**

Thompson 37

**ABSENT WITH LEAVE: 006**

Carter Crump King Naeger Scott  
Secrest

**VACANCIES: 001**

Representative Scheve assumed the Chair.

On motion of Representative Koller, HCS HCRs 6 & 7 was adopted.

On motion of Representative Koller, HCS HCRs 6 & 7 was ordered perfected and printed.

On motion of Representative Foley, the House recessed until 5:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

#### **COMMITTEE REPORT**

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HCS HCRs



6 & 7, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

### THIRD READING OF HOUSE CONCURRENT RESOLUTIONS

HCS HCRs 6 & 7, relating to compensation for elected officials, was taken up by Representative Koller.

On motion of Representative Koller, HCS HCRs 6 & 7 was read the third time and passed by the following vote:

**AYES: 109**

Abel Akin Alter Ballard Barnett  
Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser  
Black Blunt Boatright Boucher Bray 84  
Britt Burton Champion Chrismer Cierpiot  
Crawford Crump Davis 122 Dolan Elliott  
Enz Farnen Fitzwater Foster Franklin  
Froelker Gaskill George Graham 106 Graham 24  
Gratz Griesheimer Gross Hampton Hanaway  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kennedy King Kissell Klindt  
Koller Kreider Leake Legan Levin  
Linton Lograsso Long Luetkemeyer Luetkenhaus  
Marble McBride McClelland McLuckie Merideth  
Miller Murphy Myers Naeger Nordwald  
Ostmann Overschmidt Patek Pouche Pryor  
Purgason Ransdall Reinhart Relford Richardson  
Ridgeway Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Smith Summers Surface  
Townley Treadway Tudor Van Zandt Vogel  
Ward Williams 121 Williams 159 Wright

**NOES: 042**

Auer Bartle Bonner Boykins Campbell  
Carter Daniel 42 Daniels 41 Davis 63 Days  
Evans Foley Ford Fraser Gambaro  
Gibbons Gunn Hagan-Harrell Hartzler 123 Hilgemann  
Kelly 27 Lakin Lawson Loudon May 108  
Mays 50 McKenna Monaco Murray O'Connor  
O'Toole Parker Reid Reynolds Rizzo  
Stokan Thompson 37 Thompson 72 Troupe Wagner

**Wilson Mr. Speaker**

**PRESENT: 001**

**Clayton**

**ABSENT WITH LEAVE: 010**

**Backer Cooper Dougherty Green Harlan**

**Hickey Liese Secrest Skaggs Wiggins**

**VACANCIES: 001**

**Speaker Gaw declared the bill passed.**

**On motion of Representative Farnen, title to the bill was agreed to.**

**Representative Relford moved that the vote by which the bill passed be reconsidered.**

**Representative Van Zandt moved that motion lay on the table.**

**The latter motion prevailed.**

#### **COMMITTEE ASSIGNMENT**

**The Speaker established the following committee:**

**Missouri Tobacco Settlement**

**McLuckie, Steve C**

**Smith, Phil V**

**Lakin, Scott**

**Harlan, Tim**

**Campbell, Marsha**

**Boykins, Amber**

**Barry, Joan**

**May, Brian**

**Richardson, Mark**

**Hanaway, Catherine**

**Scott, Delbert**

**Gibbons, Michael**

**Boatright, Matt**

**Blunt, Matt**

**Cierpiot, Connie**

## **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was offered and read the first time:

HCR 12, introduced by Representatives Dougherty and Harlan, to amend the Employment Retirement Income Act of 1974.

## **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 18, introduced by Representatives Linton and Lograsso, relating to the state board of education.

## **INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were read the first time and copies ordered printed:

HB 1, introduced by Representative Franklin, to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

HB 5, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

HB 9, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

HB 11, introduced by Representative Franklin, to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

HB 13, introduced by Representative Franklin, to appropriate money for real property leases, related services, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

HB 14, introduced by Representative Franklin, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

- HB 607, introduced by Representatives Riback Wilson, Carter, Schilling, Harlan, Van Zandt, Farnen and Graham (24), et al, relating to HIV testing.
- HB 608, introduced by Representative Reynolds, relating to elections.
- HB 609, introduced by Representative Hosmer, relating to real property.
- HB 610, introduced by Representatives Crump, Foley and Green, et al, relating to horse racing and pari-mutuel wagering.
- HB 611, introduced by Representative Patek, relating to concentrated animal feeding operations.
- HB 612, introduced by Representative Patek, relating to organ donation.
- HB 613, introduced by Representative Patek, relating to municipal removal of weeds.
- HB 614, introduced by Representative Foley, relating to tax credit for qualified research expenses.
- HB 615, introduced by Representative Smith, relating to the Missouri title insurance act.
- HB 616, introduced by Representative Hohulin, relating to convalescent, nursing or boarding homes.
- HB 617, introduced by Representatives O'Toole and Kelly (27), relating to public records.
- HB 618, introduced by Representatives Harlan, Fraser, May (108), Holand, Griesheimer, Levin and Foley, relating to the health care needs of the elderly.
- HB 619, introduced by Representatives Loudon and Parker, et al, relating to identity theft.
- HB 620, introduced by Representatives Bray, Selby, Harlan, Riback Wilson, Williams (121), Davis (63) and Gaw, et al, relating to financing of certain election campaigns.
- HB 621, introduced by Representatives Relford, Seigfreid, Fitzwater, McKenna, Fraser, Berkowitz, Davis (122), Hampton, Ransdall and Wagner, relating to summer school attendance prior to kindergarten.
- HB 622, introduced by Representatives Dougherty, Ladd Stokan, Foley, Davis (63), Murray, Parker and Hilgemann, et al, relating to child care.
- HB 623, introduced by Representative Dougherty, relating to domestic relations.
- HB 624, introduced by Representatives Wagner, Leake, Koller, Hampton, Reynolds, Black and Boucher, et al, relating to motor vehicle license plates.
- HB 625, introduced by Representatives Wagner, Leake, Days, Thompson (72) and Carter, et al, relating to absentee voter eligibility.
- HB 626, introduced by Representative Long, relating to sheltered workshops.
- HB 627, introduced by Representative Schilling, relating to medical malpractice insurance.
- HB 628, introduced by Representative Schilling, relating to children in jails.
- HB 629, introduced by Representative Schilling, relating to jury service.
- HB 630, introduced by Representatives Scheve and Smith, relating to health insurance coverage.
- HB 631, introduced by Representative Ladd Stokan, relating to penalties for violations of certain provisions of the nursing home law.
- HB 632, introduced by Representative Ladd Stokan, relating to convalescent, nursing and boarding homes.
- HB 633, introduced by Representatives Green, Foley, Barry and Treadway, relating to boundaries of political subdivisions.
- HB 634, introduced by Representatives Kennedy, May (108), et al, relating to the department of health.
- HB 635, introduced by Representative Long, relating to the licensing of electricians and plumbers by certain municipalities.
- HB 636, introduced by Representatives Rizzo, Hoppe, Bouche, Daniels (41), Skaggs and Bonner, et al, relating to certain police retirement systems.
- HB 637, introduced by Representative Hoppe, relating to certain businesses licensed to sell intoxicating liquor.
- HB 638, introduced by Representative Hoppe, relating to access to public hospital records and meetings.



HB 639, introduced by Representatives McLuckie, Bray, Days, Van Zandt, Harlan, Thompson (72) and Riback Wilson, et al, relating to human rights.

HB 640, introduced by Representatives Campbell and McLuckie, et al, relating to public hearings for property transactions for state-supported colleges and universities.

WITHDRAWAL OF HOUSE BILLS

January 26, 1999

Anne C. Walker  
Chief Clerk  
Room 306-C, State Capitol  
Jefferson City, Mo 65101

Dear Ms. Walker:

I am writing to respectfully request that House Bill 189 be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Patrick Dougherty  
Representative, District 67

January 26, 1999

Anne C. Walker  
Chief Clerk  
Room 306-C, State Capitol  
Jefferson City, Mo 65101

Dear Ms. Walker:

I am writing to respectfully request that House Bill 190 be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Patrick Dougherty  
Representative, District 67

January 26, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives

Missouri State Capitol  
Room 307  
Jefferson City, MO 65101

Dear Ms. Walker:

I respectfully request to withdraw House Bill 229.

Thank you for your assistance.

Sincerely,

/s/ Joan Barry  
State Representative  
District 100

January 26, 1999

Anne Walker  
Missouri House of Representatives  
Room 307  
Missouri State Capitol  
Jefferson City, MO 65101

Dear Ms. Walker,

I respectfully request that House Bill 374 be withdrawn.

Thank you for your time and attention.

Respectfully,

/s/ Rich Chrismer  
State Representative  
16th District

January 26, 1999

Anne C. Walker, Chief Clerk  
House Administrator  
Missouri House of Representatives

Dear Ms. Walker:

I respectfully request that HJR 15 be withdrawn.

Sincerely,

/s/William (Bill) Linton

State Representative

District 89

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, January 27, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Eleventh Day, Monday, January 25, 1999, pages 206 and 207, roll call, by showing Representative Reynolds voting "aye" rather than "absent with leave".

Pages 207 and 208, roll call, by showing Representatives Champion and Purgason voting "aye" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **AGRICULTURE**

Wednesday, January 27, 1999, 3:00 pm. Hearing Room 9.

To be considered - HB 79, HB 137, HB 152, HB 153

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Wednesday, January 27, 1999, 10:30 am. Hearing Room 7. Coordinating Board for Higher Education. Judiciary. Independent Colleges. AMENDED NOTICE

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, January 28, 1999, 10:30 am. Hearing Room 7. Public Defender Commission.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, January 27, 1999, 11:30 am. Hearing Room 9. State Treasurer, MoDOT.

##### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, January 27, 1999, 12:45 pm. Hearing Room 6.

Public testimony relating to Mental Health.

##### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 1, 1999, 9:00 am. Hearing Room 6.

Budget presentation by the Dept. of Mental Health.

##### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 2, 1999, 12:00 pm. Hearing Room 6.

Public testimony relating to the Dept. of Health.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 3, 1999. Hearing Room 6 upon adjournment.

Budget presentation by the Dept. of Health.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, January 27, 1999, 12:00 pm. Hearing Rooms 1 and 2.

Dept. of Corrections. Public testimony.

#### **BUDGET**

Thursday, January 28, 1999, 9:00 am. Hearing Room 6.

Presentation by Dept. of Transportation on Highway Plan.

#### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, January 27, 1999, 8:00 pm. Hearing Room 8. AMENDED NOTICE

To be considered - HB 125, HB 252, HB 417

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, January 27, 1999, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE

To be considered - HB 76, HB 103, HB 106, HB 135, HB 136

#### **CRIMINAL LAW**

Wednesday, January 27, 1999, 8:00 pm. Hearing Room 9. AMENDED NOTICE

To be considered - HB 26, HB 42, HB 82, HB 117, HB 165, HB 183

#### **EDUCATION - HIGHER**

Wednesday, January 27, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 27

#### **ENVIRONMENT AND ENERGY**

Thursday, January 28, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 53, HB 67, HB 145

#### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, January 27, 1999, 8:00 am. Hearing Room 6. Executive session may follow.

To be considered - HB 41, HB 224

#### **PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, January 27, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 228, HB 265, HB 272, HB 303

#### **PUBLIC SAFETY AND LAW ENFORCEMENT**



**Tuesday, February 2, 1999, 8:30 am. Hearing Room 5.**

**To be considered - HB 149, HB 248, HB 318, HB 391**

#### **RETIREMENT**

**Wednesday, January 27, 1999, 8:00 pm. Hearing Room 7. AMENDED NOTICE**

**Workshop to discuss the "2000 Retirement Options" for state employees.**

**To be considered - HB 65, HB 223, HB 263**

#### **TRANSPORTATION**

**Wednesday, January 27, 1999, 3:00 pm. Hearing Room 5.**

**To be considered - HB 177, HB 231, HB 338, HB 367**

#### **UTILITIES REGULATION**

**Thursday, January 28, 1999, 8:15 am. Hearing Room 8. Organizational meeting.**

**To be considered - HB 112**

#### **HOUSE CALENDAR**

**THIRTEENTH DAY, WEDNESDAY, JANUARY 27, 1999**

#### **HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

**HCR 12**

#### **HOUSE JOINT RESOLUTION FOR SECOND READING**

**HJR 18**

#### **HOUSE BILLS FOR SECOND READING**

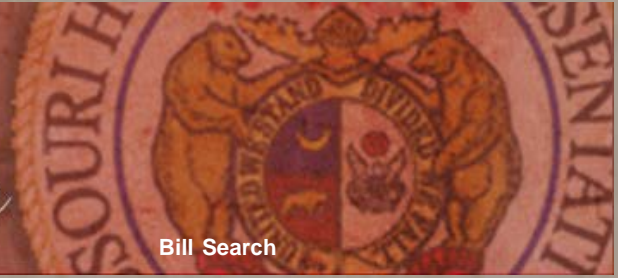
**HB 607 through HB 640**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

THIRTEENTH DAY, Wednesday, January 27, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Dr. Stephen Buchholz.

Lord, how surprising are Your ways as you fashion the movement of life and creation. Today we awakened from our nights rest to be greeted with Spring like temperatures which were down right balmy - all that serves as a hint of things to come. And so are the ways of life, just when we think we are locked in the throgs of bitter chill, deadlock, and darkness, with no hope for change or consensus; Your presence mysteriously intervenes, often unexpectedly; then transformation occurs and we are moved forward in the streams of progress and hope. Your ways are life giving and life enhancing, help us always to keep that truth in the forefront of our minds especially in the times when we feel bogged down and overwhelmed. Keep each day of our lives infused with hope, patience and endurance - write these spiritual realities upon the hearts of these Legislators as they face the issues before them, legislatively and personally.

May Your blessing rest upon this Body today and may each Representative be strengthened in ways most fitting to their needs. For we acknowledge Your creative and attentive ways even as we pray in Your Holy name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Letitia Harmon and Deanna Harmon.

The Journal of the twelfth day was approved as printed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bennett Boucher Chrismer Dougherty Gratz

King Patek Thompson 37 Troupe Wiggins

VACANCIES: 001

## **RESOLUTIONS**

Representative Crump offered House Resolution No. 113.

Representative Marble offered House Resolution No. 114.

Representative Green offered House Resolution No. 115.

Representative Daniels (41) offered House Resolution No. 116.

Representative Purgason offered House Resolution No. 117.

Representative Davis (122) offered House Resolution No. 118.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 12** was read the second time.

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 18** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 607** through **HB 640** were read the second time.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 3** - Elections

**HCR 4** - Governmental Organization and Review

**HCR 5** - Commerce

**HCR 8** - Agriculture

**HCR 9** - Commerce

**HCR 10** - Miscellaneous Bills and Resolutions

**HCR 11** - Utilities Regulation

**HCR 12** - Critical Issues

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 6** - Public Safety and Law Enforcement

**HJR 16** - Miscellaneous Bills and Resolutions

**HJR 17** - Missouri Tobacco Settlement

#### **REFERRAL OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were referred to the Committee indicated:

**HB 1** - Budget

**HB 5** - Budget

**HB 9** - Budget

**HB 11** - Budget

**HB 13** - Budget

**HB 14** - Budget



## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 163** - Civil and Administrative Law

**HB 205** - Judiciary

**HB 249** - Local Government and Related Matters

**HB 357** - Judiciary

**HB 403** - Agri-Business

**HB 409** - Public Health

**HB 415** - Miscellaneous Bills and Resolutions

**HB 430** - Missouri Tobacco Settlement

**HB 431** - Public Safety and Law Enforcement

**HB 432** - Retirement

**HB 434** - Education - Elementary and Secondary

**HB 435** - Critical Issues

**HB 436** - Local Government and Related Matters

**HB 437** - Municipal Corporations

**HB 438** - Transportation

**HB 440** - Motor Vehicle and Traffic Regulations

**HB 441** - Judiciary

**HB 442** - Education - Higher

**HB 443** - Transportation

**HB 444** - Transportation

**HB 445** - Insurance

**HB 446** - Insurance

**HB 447** - Motor Vehicle and Traffic Regulations

**HB 448** - Motor Vehicle and Traffic Regulations

**HB 449** - Retirement

**HB 450** - Fiscal Review

**HB 451** - Elections

**HB 452** - Motor Vehicle and Traffic Regulations

**HB 453** - Judiciary

**HB 454** - Public Health

**HB 455** - Criminal Law

**HB 456** - Education - Elementary and Secondary

**HB 457** - Criminal Law

**HB 458** - Education - Elementary and Secondary

**HB 459** - Retirement

**HB 460** - Public Safety and Law Enforcement

**HB 461** - Education - Elementary and Secondary

**HB 462** - Education - Elementary and Secondary

**HB 463** - Education - Elementary and Secondary

**HB 464** - Retirement

**HB 465** - Critical Issues

**HB 466** - Education - Elementary and Secondary

**HB 467** - Miscellaneous Bills and Resolutions

**HB 468** - Transportation

**HB 469** - Civil and Administrative Law

**HB 470** - Transportation

**HB 471** - Motor Vehicle and Traffic Regulations

**HB 472** - Children, Youth and Families

**HB 473** - Civil and Administrative Law

**HB 474** - Professional Registration and Licensing

**HB 475** - Public Safety and Law Enforcement

**HB 476** - Local Government and Related Matters

**HB 477** - Critical Issues

**HB 478** - Insurance

**HB 479** - Insurance

**HB 480** - Education - Elementary and Secondary

**HB 481** - Criminal Law

**HB 482** - Motor Vehicle and Traffic Regulations

**HB 483** - Elections

**HB 484** - Environment and Energy

**HB 485** - Children, Youth and Families

**HB 486** - Judiciary

**HB 487** - Children, Youth and Families

**HB 488** - Judiciary

**HB 489** - Critical Issues

**HB 490** - Social Services, Medicaid and the Elderly

**HB 491** - Retirement

**HB 492** - Civil and Administrative Law

**HB 493** - Education - Higher

**HB 494** - Transportation

**HB 495** - Motor Vehicle and Traffic Regulations

**HB 496** - Agriculture

**HB 497** - Public Safety and Law Enforcement

**HB 498** - Judiciary

**HB 499** - Elections

**HB 500** - Transportation

**HB 501** - Education - Elementary and Secondary

**HB 502** - Ways and Means

**HB 503** - Motor Vehicle and Traffic Regulations

**HB 504** - Tourism, Recreation and Cultural Affairs

**HB 505** - Motor Vehicle and Traffic Regulations

**HB 506** - Ways and Means

**HB 507** - Ways and Means

**HB 508** - Retirement

**HB 509** - Education - Elementary and Secondary

**HB 510** - Education - Elementary and Secondary

**HB 511** - Critical Issues

**HB 512** - Urban Affairs

**HB 513** - Professional Registration and Licensing

**HB 514** - Retirement

**HB 515** - Retirement

**HB 516** - Ways and Means

**HB 517** - Motor Vehicle and Traffic Regulations

**HB 518** - Tourism, Recreation and Cultural Affairs

**HB 519** - Correctional and State Institutions

**HB 520** - Ways and Means

**HB 521** - Ways and Means

**HB 522** - Ways and Means

**HB 523** - Education - Higher

**HB 524** - Environment and Energy

**HB 525** - Ways and Means

**HB 526** - Motor Vehicle and Traffic Regulations

**HB 527** - Local Government and Related Matters

**HB 529** - Motor Vehicle and Traffic Regulations

**HB 530** - Banks and Financial Institutions

**HB 531** - Motor Vehicle and Traffic Regulations

**HB 532** - Ways and Means

**HB 533** - Commerce

**HB 534** - Civil and Administrative Law

**HB 535** - Judiciary

**HB 536** - Elections

**HB 537** - Motor Vehicle and Traffic Regulations

**HB 538** - Commerce

**HB 539** - Civil and Administrative Law

**HB 540** - Education - Elementary and Secondary

**HB 541** - Agri-Business

**HB 542** - Ways and Means  
**HB 543** - Retirement  
**HB 544** - Public Health  
**HB 545** - Education - Higher  
**HB 547** - Education - Higher  
**HB 548** - Ways and Means  
**HB 549** - Elections  
**HB 550** - Social Services, Medicaid and the Elderly  
**HB 551** - Criminal Law  
**HB 552** - Consumer Protection and Housing  
**HB 553** - Ways and Means  
**HB 554** - State Parks, Natural Resources and Mining  
**HB 555** - Education - Higher  
**HB 556** - Education - Elementary and Secondary  
**HB 557** - Education - Elementary and Secondary  
**HB 558** - Motor Vehicle and Traffic Regulations  
**HB 559** - Motor Vehicle and Traffic Regulations  
**HB 560** - Education - Elementary and Secondary  
**HB 561** - Education - Elementary and Secondary  
**HB 562** - Ways and Means  
**HB 563** - Education - Higher  
**HB 564** - Education - Elementary and Secondary  
**HB 565** - Education - Elementary and Secondary  
**HB 566** - Environment and Energy  
**HB 567** - Education - Elementary and Secondary  
**HB 568** - Public Safety and Law Enforcement  
**HB 569** - Public Safety and Law Enforcement  
**HB 570** - Judiciary  
**HB 571** - Motor Vehicle and Traffic Regulations  
**HB 572** - Critical Issues  
**HB 573** - Public Safety and Law Enforcement  
**HB 574** - Motor Vehicle and Traffic Regulations  
**HB 575** - Public Safety and Law Enforcement  
**HB 576** - Motor Vehicle and Traffic Regulations  
**HB 577** - Motor Vehicle and Traffic Regulations  
**HB 578** - Motor Vehicle and Traffic Regulations  
**HB 579** - Criminal Law  
**HB 580** - Civil and Administrative Law

**RE-REFERRAL OF HOUSE BILLS**



The following House Bills were re-referred to the Committee indicated:

**HB 160** - Utilities Regulation

**HB 168** - Judiciary

#### **COMMITTEE REPORT**

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 193**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 641**, introduced by Representative Bray, relating to appeals of tax commission decisions.

**HB 642**, introduced by Representative Bray, relating to personal liability for taxes of dissolved corporations.

**HB 643**, introduced by Representative Bray, et al, relating to corporate franchise tax.

**HB 644**, introduced by Representative Cooper, relating to certain funds used by the department of transportation.

**HB 645**, introduced by Representative Gunn, relating to administrators of certain life, health and accident insurance policies.

**HB 646**, introduced by Representatives Hampton, Koller and Leake, et al, relating to motor vehicles.

**HB 647**, introduced by Representatives Gunn, Ross, Reynolds, Carter, Boykins, Thompson (72) and Davis (63), et al, relating to sales and use taxation.

**HB 648**, introduced by Representatives Hanaway, Hartzler (124), Gibbons, Blunt, Secrest and Marble, et al, relating to the sole purpose of creating the Missouri tobacco settlement trust fund for certain anti-smoking education and health care services for persons suffering from diseases caused by tobacco use.

**HB 649**, introduced by Representatives Van Zandt, Bray, Harlan, Riback Wilson, Shelton, Daniel (42), Gunn, et al, relating to sexual misconduct.

**HB 650**, introduced by Representatives Kennedy, Reynolds, Barry and Britt, et al, relating to the regulation and licensing of professional addictions counselors.

**HB 651**, introduced by Representatives Parker and Naeger, relating to the practice of pharmacy.

**HB 652**, introduced by Representative Wagner, relating to certain state park funds.

**HB 653**, introduced by Representative McBride, relating to respiratory care therapists.

**HB 654**, introduced by Representatives Dougherty, Shelton, Kennedy, Thompson (72) and Davis (63), et al, relating to the business dropout abatement program.

**HB 655**, introduced by Representative Ransdall, relating to income taxation and pensions.

**HB 656**, introduced by Representatives Klindt, Summers, Hegeman, Barnett and Myers, et al, relating to tax credits for farmers.

**HB 657**, introduced by Representatives May (108) and O'Toole, relating to fire protection mutual aid agreements.

**HB 658**, introduced by Representatives May (108) and O'Toole, relating to weapons offenses.

**HB 659**, introduced by Representatives Levin, Harlan, Akin, Smith, Linton, Hosmer, Kelly (27), Chrismer, Schilling and Hohulin, relating to certain business practices.

**HB 660**, introduced by Representatives Ladd Stokan and Cierpiot, relating to a public education and awareness program in the department of health.

**HB 661**, introduced by Representative Crump, relating to discipline of members of the highway patrol.

**HB 662**, introduced by Representative Crump, relating to sheriffs' retirement.

**HB 663**, introduced by Representative Scheve, relating to income taxation.

**HB 664**, introduced by Representatives Scheve, Rizzo and May (108), relating to the establishment of the Missouri new enterprise creation act.

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative O'Connor is no longer a member of the Miscellaneous Bills and Resolutions Committee.

Representative Hickey has been appointed a member of the Miscellaneous Bills and Resolutions Committee.

Representative Enz is no longer a member of the Professional Registration and Licensing Committee.

Representative Loudon has been appointed a member of the Professional Registration and Licensing Committee.

Representative Miller is no longer a member of the Public Health Committee.

Representative King has been appointed a member of the Public Health Committee.

Representative Nordwald is no longer a member of the Appropriations - Social Services and Corrections Committee.

Representative Hartzler (124) has been appointed a member of the Appropriations - Social Services and Corrections Committee.

Representative Schwab is no longer a member of the Motor Vehicle and Traffic Regulations Committee.

Representative Chrismer has been appointed a member of the Motor Vehicle and Traffic Regulations Committee.

Representative Bartle is no longer a member of the Joint Committee on Legislative Research.

Representative Townley has been appointed a member of the Joint Committee on Legislative Research.

Representative King is no longer a member of the Public Safety and Law Enforcement Committee.

Representative Miller has been appointed a member of the Public Safety and Law Enforcement Committee.

Representative Barnett is no longer a member of the Appropriations - Health and Mental Health Committee.

Representative Patek has been appointed a member of the Appropriations - Health and Mental Health Committee.

Representative Kissell is no longer a member of the Appropriations - Natural and Economic Resource Committee.

Representative Ward has been appointed a member of the Appropriations - Natural and Economic Resource Committee.

Representative Gross is no longer a member of the Joint Committee on Gaming and Wagering.

Representative Pouche has been appointed a member of the Joint Committee on Gaming and Wagering.

Representative Meredith has been appointed to the Appropriations - Education and Public Safety, Public Safety and Law Enforcement, and Consumer Protection and Housing Committees.

#### **WITHDRAWAL OF HOUSE BILLS**

January 27, 1999

Mr. Steve Gaw, Speaker

House of Representatives

Capitol Building

Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **HOUSE BILL 41** be **WITHDRAWN**.

Sincerely,

/s/ Joe Treadway

January 27, 1999

The Honorable Steve Gaw  
Speaker of the House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that I be allowed to withdraw **HB 219**. Upon further consideration I believe that this issue needs more study.

Thank you for your prompt attention to this matter.

Sincerely yours,

/s/ Louis Ford  
Representative Louis H. Ford  
District 58

January 27, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
Room 307  
Missouri State Capitol  
Jefferson City MO 65101

Dear Ms. Walker:

I respectfully request to withdraw **House Bill 355**.

Thank you for your assistance.

Sincerely,

/s/ Kelly Parker  
State Representative  
District 150

The following member's presence was noted: Troupe.

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, January 28, 1999.

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, January 28, 1999, 10:30 am. Hearing Room 7. Public Defender Commission.

### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Monday, February 1, 1999, 1:00 pm. Hearing Room 7.

Dept. of Elementary and Secondary Education.

### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 1, 1999, 9:00 am. Hearing Room 6.

Budget presentation by the Dept. of Mental Health.

### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 2, 1999, 12:00 pm. Hearing Room 6.

Public testimony relating to the Dept. of Health.

### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 3, 1999. Hearing Room 6 upon adjournment.

Budget presentation by the Dept. of Health.

### **BUDGET**

Thursday, January 28, 1999, 9:00 am. Hearing Room 6.

Presentation by Dept. of Transportation on Highway Plan.

### **BUDGET**

Tuesday, February 2, 1999, 9:00 am. Hearing Room 6. Possible Executive Session to follow.

To be considered - HB 14

### **BUDGET**

Wednesday, February 3, 1999, 9:00 am. Hearing Room 6.

To be considered - HB 14

### **BUDGET**

Thursday, February 4, 1999, 9:00 am. Hearing Room 6. Possible Executive Session to follow.

To be considered - HB 14

### **ENVIRONMENT AND ENERGY**

Thursday, January 28, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 53, HB 67, HB 145

### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**



Monday, February 1, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 66, HB 110, HB 290

#### FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Tuesday, February 2, 1999, 5:00 pm. Hearing Room 8.

House and Senate members of Veterans Committee will have a joint committee hearing.

#### MUNICIPAL CORPORATIONS

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 107, HB 262, HB 275

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, February 2, 1999, 8:30 am. Hearing Room 5.

To be considered - HB 149, HB 248, HB 318, HB 391

#### UTILITIES REGULATION

Thursday, January 28, 1999, 8:15 am. Hearing Room 8. Organizational meeting.

To be considered - HB 112

#### WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, February 1, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 162, HB 356

### HOUSE CALENDAR

#### FOURTEENTH DAY, THURSDAY, JANUARY 28, 1999

#### HOUSE BILLS FOR SECOND READING

HB 641 through HB 664

#### SENATE BILL FOR THIRD READING

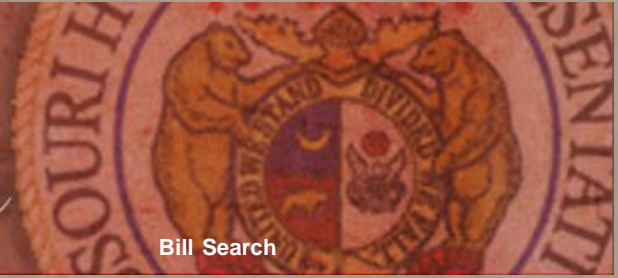
SB 193, E.C. - Thompson (37)



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FOURTEENTH DAY, Thursday, January 28, 1999

Representative Scheve in the Chair.

Prayer by Reverend Dr. Stephen Buchholz.

Life sustaining God, as the week winds down today for these elected servants, it has been a historic few days for our great state of Missouri, with the visit of both political and spiritual dignitaries in St. Louis. Regardless of the issues before this body we trust that each of these Representatives and the populous at-large had to be at least subtly effected spiritually by the impact of this visit. And in a time when secularism seems to increase its grip upon all of us - how refreshing to be reminded of the spiritual, indeed the sacred dimensions of life - even as we do each morning here in these opening moments. Something warmly happens to us each time we draw in close spiritual communion with You, O Holy One, and for this we are grateful.

Now, allow that spiritual presence to settle upon each one here today, bless, renew and strengthen them, as they form their own perspective and perceptions seek to do what is right for the people of our great state. May fruit be borne as a result of what is accomplished here today and throughout this year's session of this General Assembly. For it is in Your name, O Eternal One, that we offer our prayer. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as a Honorary Page for the Day, to serve without compensation: Erin Kaufman.

The Journal of the thirteenth day was approved as corrected.

## RESOLUTIONS

Representative Klindt offered House Resolution No. 119.

Representative Smith offered House Resolution No. 120 through House Resolution No. 122.

Representative Ford offered House Resolution No. 123.

Representatives Boykins, Carter, Ford, Shelton, Thompson (72) and Troupe offered House Resolution No. 124.

Representative Lograsso offered House Resolution No. 125.

Representatives Shields, Vogel, Gratz and Abel offered House Resolution No. 126.

Representative Seigfreid offered House Resolution No. 127.

Representative Schilling offered House Resolution No. 128.

Representative Hickey offered House Resolution No. 129.

Representative Patek offered House Resolution No. 130 through House Resolution No. 134.

Representative King offered House Resolution No. 135 and House Resolution No. 136.

## **SECOND READING OF HOUSE BILLS**

**HB 641** through **HB 664** were read the second time.

## **THIRD READING OF SENATE BILL**

**SB 193**, relating to Kansas City flood relief sales tax, was taken up by Representative Hoppe.

On motion of Representative Hoppe, Rule 65 was suspended and **SB 193** was truly agreed to and finally passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Thompson 72 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Bray 84 Dougherty Hickey Surface Thompson 37  
Troupe

VACANCIES: 001

Representative Scheve declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco



Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Hendrickson

PRESENT: 000

ABSENT WITH LEAVE: 011

Bray 84 Dolan Dougherty Gibbons Hickey  
Leake Sallee Secrest Surface Thompson 37  
Troupe

VACANCIES: 001

On motion of Representative Barry, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Crump, the House recessed until 12:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

#### MESSAGE FROM THE SENATE

**Mr. Speaker:** I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS HCRs 6 & 7.

**With Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, Senate Amendment No. 2.**

*Senate Amendment No. 1*

to

**Senate Amendment No. 1**

AMEND Senate Amendment No. 1 to House Committee Substitute for House Concurrent Resolution Nos. 6 & 7, Line 8 of the amendment by striking "only if" and substitute "unless".

**Senate Amendment No. 1**

AMEND House Committee Substitute for House Concurrent Resolution Nos. 6 & 7, Page 146 of the January 26, 1999, Senate Journal, Column 1, Line 21, by striking the word "and" on said line; and further amend said bill, page, and column, lines 22-24, by striking said lines, and further amend said bill, page and column, line 28, by inserting after the word "hereby" the word "conditionally"; and further amend said bill, page and column, line 31, by inserting after the word "1998" on said line, the following:

"only if the Missouri Supreme Court finds that the 1996 compensation schedule is in effect, and that the General Assembly has appropriation authority over public officials' compensation to set such compensation in amounts not to exceed the scheduled amounts".

**Senate Amendment No. 2**

AMEND House Committee Substitute for House Concurrent Resolution Nos. 6 & 7, Page 146, January 26, 1999, Senate Journal, Column 1, Line 17, by inserting immediately after all of said line the following:

"WHEREAS, subsequent to the Commission's report, a decision and order was entered in the Circuit Court of Cole County finding that the schedule alone does not establish salaries payable to public officials, since by constitution the proposed salaries are "subject to appropriations" and finding that appropriations are a condition precedent and further, that the schedule is a maximum limit over which the legislature can not appropriate salaries; and".

In which the concurrence of the House is respectfully requested.

**MOTION**

HCS HCRs 6 & 7, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2, relating to compensation for elected officials, was taken up by Representative Koller.

Representative Koller moved that the House refuse to concur in Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2 to HCS HCRs 6 & 7 and request the Senate to recede from its position.

Which motion was adopted.

On motion of Representative Crump, the House recessed until 3:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on SA 1 to SA 1, SA 1 as amended and SA 2 to HCS HCRs 6 & 7 and requests the House grant the Senate a conference thereon.

**MOTION**

HCS HCRs 6 & 7, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2, relating to compensation for elected officials, was again taken up by Representative

Koller.

Representative Koller moved that the House refuse to grant the Senate a conference and request the Senate to recede from its position on Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2 to HCS HCRs 6 & 7.

Which motion was adopted.

Representative Crump moved that a message be sent informing the Senate that the House has adjourned, the time of the adjournment, and of the time the House will reconvene.

Which motion was adopted.

#### INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 19, introduced by Representatives Hendrickson, Loudon and Myers, et al, relating to taxation.

HJR 20, introduced by Representatives Gratz, Griesheimer, Ford and Crump, relating to gaming.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 665, introduced by Representative Luetkenhaus, relating to donation of equipment to certain political subdivisions.

HB 666, introduced by Representatives Davis (122), Holand, Hosmer, et al, relating to school finance.

HB 667, introduced by Representative Scheve, relating to protective services for the elderly.

HB 668, introduced by Representative Gibbons, relating to sales tax and seller deductions.

HB 669, introduced by Representative Gibbons, relating to use tax definitions.

HB 670, introduced by Representative Gibbons, relating to income tax and sales tax credits and refunds.

HB 671, introduced by Representatives Burton, Hegeman and Mays (50), relating to utility access to public rights-of-way.

HB 672, introduced by Representative Kissell, relating to ambulance district board members.

HB 673, introduced by Representative Kissell, relating to discipline of law enforcement officers.

HB 674, introduced by Representative Froelker, relating to teachers' salaries.

HB 675, introduced by Representative Alter, relating to peace officer standards and training.

HB 676, introduced by Representatives Days and Long, relating to elections.

HB 677, introduced by Representatives Lakin, Kelley (47), Williams (121) and Fitzwater, relating to liquor.

HB 678, introduced by Representatives Leake and Koller, relating to the grade crossing safety account.

HB 679, introduced by Representative Leake, et al, relating to the sale of agricultural property.

HB 680, introduced by Representative Leake, et al, relating to motor fuel tax.

HB 681, introduced by Representatives O'Toole and Schilling, relating to regulation of gas and electric companies.

HB 682, introduced by Representative Ward, et al, relating to motor vehicle financial responsibility insurance companies.

HB 683, introduced by Representative Ward, et al, relating to motorcycle safety.

HB 684, introduced by Representatives Ross, Gibbons, Gunn, Lograsso, Secrest and Evans, et al, relating to income tax deduction.

HB 685, introduced by Representatives Kissell, Gross, Ostmann, Chrismer, Luetkenhaus, Dolan and Bennett, relating to higher education.

HB 686, introduced by Representatives Murray, Hilgemann, McClelland, Ostmann, Carter and Hollingsworth, relating to recreational systems of political subdivisions.

HB 687, introduced by Representatives Murray, Williams (121), Scheve, Foley, Troupe, George and McKenna, et al, relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year.

HB 688, introduced by Representative Vogel, relating to certain fees for manufacturers and distributors of soft drinks and beverages.

HB 689, introduced by Representatives Davis (122), Holand and Hosmer, et al, relating to school finance.

HB 690, introduced by Representatives Days, Leake, Cooper, Relford and Wiggins, relating to the issuance of bonds for water pollution and stormwater control.

HB 691, introduced by Representatives Miller and Long, et al, relating to flashing signals on specified vehicles.

HB 692, introduced by Representative Hollingsworth, relating to paternity proceedings.

HB 693, introduced by Representative Hollingsworth, relating to child protection.

HB 694, introduced by Representative Hollingsworth, relating to ex parte orders of protection.

HB 695, introduced by Representative Hollingsworth, relating to domestic relations.

HB 696, introduced by Representatives Patek, Shields, Hanaway, Reinhart, Froelker, Sallee, McClelland and Pouche, et al, relating to gambling moneys for schools.

HB 697, introduced by Representatives Ostmann, Holand and Linton, relating to mental health treatment.

HB 698, introduced by Representatives Hosmer, Skaggs, Lakin, Williams (121), May (108) and Relford, relating to the issuance of driver's licenses to person under the age of twenty-one years of age.

HB 699, introduced by Representatives Kreider, Legan, Wiggins and Williams (159), relating to grain dealers.

HB 700, introduced by Representatives Mays (50), Hegeman, Burton and Kelly (27), relating to gas, electric, water, heating and sewer companies.

HB 701, introduced by Representative Rizzo, relating to the population of enterprise zones.

HB 702, introduced by Representatives Gambaro, O'Toole, Kennedy and Fraser, et al, relating to Sunday liquor sales.

HB 703, introduced by Representatives Kennedy and Crawford, relating to electronic transmission of recordings.

HB 704, introduced by Representatives Crawford, Marble, Elliott, Legan, Reinhart, Gaskill, Alter, Blunt and Summers, et al, relating to property affected by actions of state agencies.

HB 705, introduced by Representatives Crawford and Wagner, relating to orders of protection.

HB 706, introduced by Representative Hoppe, relating to nonprofit water companies.

HB 707, introduced by Representative Griesheimer, relating to liquor control law.

HB 708, introduced by Representatives Merideth and Williams (159), et al, relating to titles and conveyance of real estate.

HB 709, introduced by Representatives Leake, Gaw, Kreider, Crump, Ransdall and Davis (122), relating to labeling requirements for certain food products.

HB 710, introduced by Representative Van Zandt, Gaw and Campbell, et al, relating to corporate franchise tax.

HB 711, introduced by Representative Van Zandt, Bray, Gaw and Campbell, et al, relating to corporate franchise tax.

HB 712, introduced by Representative Dougherty, relating to insurance discrimination for domestic violence.

HB 713, introduced by Representative Dougherty, relating to genetic information and testing for insurance purposes.

HB 714, introduced by Representative Gratz, et al, relating to civil liability for emergency care.

HB 715, introduced by Representative Gratz, relating to bowling centers.

HB 716, introduced by Representatives McClelland and Hosmer, relating to certain state employees.

#### COMMITTEE CHANGES



The Speaker submitted the following committee changes:

Representative O'Connor is no longer a member of the Public Health Committee.

Representative Abel has been appointed a member of the Public Health Committee.

#### WITHDRAWAL OF HOUSE BILLS

January 28, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
Room 307  
Missouri State Capitol  
Jefferson City, Missouri 65101

Dear Ms. Walker:

I respectfully request to withdraw House Bill 666.

Thank you for your assistance.

Sincerely,

/s/ D.J. Davis  
District 122

January 28, 1999

Anne C. Walker, Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
Room 307  
Jefferson City, MO 65101

Dear Mrs. Walker,

I respectfully ask that House Bill 28 be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ John E. Griesheimer

District 109

January 28, 1999

Mr. Steve Gaw

State Capitol, Room 308

Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that HOUSE BILL 604 be WITHDRAWN.

Thank you for your consideration.

Sincerely yours,

/s/ Vicky Riback Wilson

Representative 25th District

January 28, 1999

Anne C. Walker

Chief Clerk

Room 306-C, State Capitol

Jefferson City, MO 65101

Dear Ms. Walker:

I respectfully request withdraw of House Bill 90 dealing with funding for public schools.

Thank you for your assistance in this matter.

Sincerely,

/s/ Bill Luetkenhaus

State Representative Bill Luetkenhaus

District 12

The following member's presence was noted: Hickey.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, February 1, 1999.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirteenth Day, Wednesday, January 27, 1999, page 233, by inserting after line 27 the following:

## **SECOND READING OF HOUSE BILLS - APPROPRIATIONS**

HB 1, HB 5, HB 9, HB 11, HB 13 and HB 14 were read the second time.

Pages 232 and 233, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 9. Executive Session may follow.

To be considered - HB 146, HB 324

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Monday, February 1, 1999, 1:00 pm. Hearing Room 7.

Dept. of Elementary and Secondary Education.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Monday, February 1, 1999, 1:00 pm. Hearing Room 9. Public Debt. Office of Administration.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 2, 1999, 11:30 am. Hearing Room 9. Public testimony.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 3, 1999. Hearing Room 9 upon adjournment.

COMAP, Total Comp Task Force, Sam II, Y2K.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 1, 1999, 9:00 am. Hearing Room 6.

Budget presentation by the Dept. of Mental Health.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 2, 1999, 12:00 pm. Hearing Room 6.

Public testimony relating to the Dept. of Health.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 3, 1999. Hearing Room 6 upon adjournment.

Budget presentation by the Dept. of Health.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Monday, February 1, 1999, 12:00 pm. Hearing Rooms 1 and 2. Dept. of Social Services.

To be considered - HB 11

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 2, 1999, 12:00 pm. Hearing Rooms 1 and 2. Dept. of Social Services.

To be considered - HB 11

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 3, 1999, 12:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 9, HB 11

**BUDGET**

Tuesday, February 2, 1999, 9:00 am. Hearing Room 6.

To be considered - HB 14

**BUDGET**

Wednesday, February 3, 1999, 9:00 am. Hearing Room 6.

To be considered - HB 14

**BUDGET**

Thursday, February 4, 1999, 9:00 am. Hearing Room 6. Possible Executive Session to follow.

To be considered - HB 14

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 3, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 100, HB 113, HB 217, HB 348, HB 411, HB 428,

Executive Session - HB 76, Executive Session - HB 103, Executive Session - HB 135,

Executive Session - HB 136

**COMMERCE**

Tuesday, February 2, 1999, 1:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 251, HB 533, HCR 5, HCR 9

**CONSUMER PROTECTION AND HOUSING**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 167, HB 188, HB 264

**CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 9.

To be considered - HB 63, HB 271, HB 323, HB 519

**CRIMINAL LAW**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 69, HB 111, HB 266, HB 359, HJR 10, HJR 12

**CRITICAL ISSUES**

Monday, February 1, 1999, 8:00 pm. Hearing Room 6.



To be considered - HB 195, HB 200, HB 572, HCR 12

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 317, HB 378, HJR 5

#### **ELECTIONS**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 8. Organizational meeting.

To be considered - HEC 1, HEC 2

#### **ETHICS**

Tuesday, February 2, 1999, 9:30 am. Northeast Side Gallery. Caucus approval.

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Monday, February 1, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 66, HB 110, HB 290

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Tuesday, February 2, 1999, 5:00 pm. Hearing Room 8.

Joint meeting with members of House and Senate Veterans Committees.

#### **FISCAL REVIEW**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 5. Executive Session. AMENDED NOTICE

To be considered - HB 287, HB 450

#### **JUDICIARY**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 209, HB 243, HB 282, HB 284, HB 311, HJR 1, SB 128

#### **LABOR**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 166

#### **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, February 2, 1999, 3:00 pm. Hearing Rooms 1 and 2.

Executive session may follow. AMENDED NOTICE.

To be considered - HB 258, HB 267, HB 300, HB 344, HB 429

#### **MISSOURI TOBACCO SETTLEMENT**

Monday, February 1, 1999. Hearing Room 8 upon adjournment. Background information.

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 49, HB 50, HB 68, HB 141, HB 185, HB 210, HB 336, HB 363, HB 364

## **MUNICIPAL CORPORATIONS**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 107, HB 262, HB 275

## **PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 169, HB 194, HB 197, HB 254, HB 305, HB 474, HB 513

## **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, February 2, 1999, 8:30 am. Hearing Room 5.

To be considered - HB 149, HB 248, HB 318, HB 391

## **RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Tuesday, February 2, 1999, 1:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HR 113

## **SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 89, HB 490, HB 550

## **WAYS AND MEANS**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 144, HB 218, HB 227, HB 240, HB 273, HB 307, HB 312,  
HB 333, HB 371, HB 373, HB 375, HB 376, HB 392, HB 393, HB 394, HB 399, HB 410

## **WORKERS COMPENSATION AND EMPLOYMENT SECURITY**

Monday, February 1, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE.

Executive Session to Follow.

To be considered - HB 162, HB 356

## **HOUSE CALENDAR**

FIFTEENTH DAY, MONDAY, FEBRUARY 1, 1999

## **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 19 and HJR 20

## **HOUSE BILLS FOR SECOND READING**

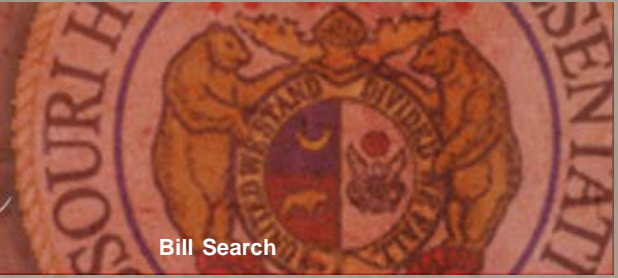
HB 665

HB 667 through HB 716



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FIFTEENTH DAY, Monday, February 1, 1999

Speaker Gaw in the Chair.

Prayer by Representative Pat Kelley.

In these halls we hear so many opinions about what we need. Quality education, health care, new highways, funding for a local project, a level playing field, justice, fairness. If we are honest we know that what we need the most is You, Oh God. We need Your love, Your compassion, Your wisdom and Your justice, and You have shown us how to have all of these. Oh Lord, help us to follow the way, to fear the truth and to see the light, that leads us to You. In Jesus' name, Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fourteenth day was approved as corrected by the following vote:

AYES: 148

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Howerton Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Schilling Schwab Scott Secrest  
Seigfreid Selby Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 003

Blunt Hohulin Patek

PRESENT: 001

Shelton

ABSENT WITH LEAVE: 010

Auer Berkstresser Clayton Evans Gunn

Hoppe Hosmer Kasten Scheve Thompson 37

VACANCIES: 001

## **RESOLUTIONS**

Representative Davis (63) offered House Resolution No. 137.

Representative Burton offered House Resolution No. 138 and House Resolution No. 139.

Representative Hendrickson offered House Resolution No. 140.

Representative Relford offered House Resolution No. 141.

Representative Holand offered House Resolution No. 142.

Representative Dolan offered House Resolution No. 143.

Representative Ross offered House Resolution No. 144.

Representative Williams (159) offered House Resolution No. 145.

## **SECOND READING OF HOUSE JOINT RESOLUTIONS**



**HJR 19** and **HJR 20** were read the second time.

## **SECOND READING OF HOUSE BILLS**

**HB 665** and **HB 667** through **HB 716** were read the second time.

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 44** - Governmental Organization and Review  
**HB 293** - Education - Elementary and Secondary  
**HB 581** - Workers Compensation and Employment Security  
**HB 582** - Retirement  
**HB 583** - Professional Registration and Licensing  
**HB 584** - Transportation  
**HB 585** - Motor Vehicle and Traffic Regulations  
**HB 586** - Labor  
**HB 587** - Utilities Regulation  
**HB 588** - Motor Vehicle and Traffic Regulations  
**HB 589** - Correctional and State Institutions  
**HB 590** - Governmental Organization and Review  
**HB 591** - Ways and Means  
**HB 592** - Local Government and Related Matters  
**HB 593** - Motor Vehicle and Traffic Regulations  
**HB 594** - Miscellaneous Bills and Resolutions  
**HB 595** - Judiciary  
**HB 596** - Education - Elementary and Secondary  
**HB 597** - Environment and Energy  
**HB 598** - Workers Compensation and Employment Security  
**HB 599** - Insurance  
**HB 600** - Ways and Means  
**HB 601** - Correctional and State Institutions  
**HB 603** - Environment and Energy  
**HB 605** - Retirement  
**HB 607** - Public Health  
**HB 608** - Elections  
**HB 609** - Ways and Means  
**HB 610** - Miscellaneous Bills and Resolutions  
**HB 611** - Agriculture  
**HB 613** - Local Government and Related Matters  
**HB 614** - Commerce

**HB 616** - Social Services, Medicaid and the Elderly

**HB 618** - Critical Issues

**HB 620** - Critical Issues

### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was offered and read the first time:

**HCR 13**, introduced by Representative Kreider, relating to the creation of the governor's commission for the review and formulation of building code implementation.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 717**, introduced by Representatives Harlan, Campbell, Van Zandt, Davis (63), Bray, McLuckie and Riback Wilson, et al, relating to ethnic intimidation.

**HB 718**, introduced by Representatives Harlan, Gaw, Riback Wilson, Foley, Leake, Ross, Kelly (27), Days and Dolan, et al, relating to health insurance.

**HB 719**, introduced by Representatives Hanaway, Secrest, Loudon, Dolan, Cierpiot and Blunt, et al, relating to the attorney general.

**HB 720**, introduced by Representatives McClelland and Hosmer, relating to student volunteer opportunities.

**HB 721**, introduced by Representative Barry, relating to tuberculosis.

**HB 722**, introduced by Representative Dougherty, relating to purchase of tires.

**HB 723**, introduced by Representative Koller, relating to motor vehicle inspections and registrations.

**HB 724**, introduced by Representative Crump, relating to the Missouri uniform law enforcement system.

**HB 725**, introduced by Representative Crump, relating to the school calendar.

**HB 726**, introduced by Representative Kreider, relating to sales taxation.

**HB 727**, introduced by Representatives Koller and Hampton, relating to the expiration date of driver's licenses and nondriver's licenses.

**HB 728**, introduced by Representatives Ransdall, Berkowitz and Smith, relating to alternate jurors.

**HB 729**, introduced by Representative Froelker, relating to public safety offenses.

### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on House Committee Substitute for House Concurrent Resolution Nos. 6 & 7, as amended, and requests that the House grant the Senate a conference thereon to consider the following Conference Committee Amendment in lieu of Senate Amendment No. 1:

#### ***Proposed Conference Committee Substitute Amendment***

***for***

#### ***Senate Amendment No. 1, as amended***

Amend HCS for HCRs Nos. 6 & 7, page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 21, by striking the word "and" on said line; and further amend said bill, page, and column, lines 22-24, by striking said lines; and further amend said bill, page and column, line 28, by inserting after the word "hereby" the word "conditionally"; and further amend said bill, page and column, line 31, by inserting after the word "1998" on said line the following:

"unless" the Missouri Supreme Court finds that the 1996 compensation schedule was in effect, and that the General Assembly has appropriation authority over public officials' compensation to set such compensation in amounts not to exceed the scheduled amounts";

And further that if the court should find that the 1996 schedule determines compensation, without regard to appropriations, in that event the 1998 schedule is not rejected;

And further, if the court rules that the 1996 schedule was properly rejected by the Eighty-Ninth General Assembly, then in that event the 1998 schedule is not rejected."

#### **SIGNING OF SENATE BILL**

All other business of the House was suspended while SB 193 was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, February 2, 1999.

#### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Fourteenth Day, Thursday, January 28, 1999, page 246, roll call, by showing Representative Gibbons voting "aye" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **AGRICULTURE**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 9. Executive Session may follow.

To be considered - HB 146, HB 324

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Tuesday, February 2, 1999, 10:30 am. Hearing Room 7.

Public testimony for Elementary and Secondary Education.

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Wednesday, February 3, 1999, 10:30 am. Hearing Room 7. Department of Public Safety.

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, February 4, 1999, 10:30 am. Hearing Room 7.

Dept. of Public Safety- Gaming Commission. Public testimony for Public Safety.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 2, 1999, 11:30 am. Hearing Room 9. Public testimony.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 3, 1999, 10:00 am. Hearing Room 9 upon adjournment.

COMAP, Total Comp Task Force, Sam II, Y2K.

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 2, 1999, 12:00 pm. Hearing Room 6.

Public testimony relating to the Dept. of Health.

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 3, 1999, 10:00 am. Hearing Room 6 upon adjournment.

Budget presentation by the Dept. of Health.

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 8, 1999, 10:00 am. Hearing Room 6.

Dept. of Mental Health and Dept. of Health public testimony.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 2, 1999, 12:00 pm. Hearing Rooms 1 and 2. Dept. of Social Services.

To be considered - HB 11

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 3, 1999, 12:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 9, HB 11

**BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 530

**BUDGET**

Tuesday, February 2, 1999, 9:00 am. Hearing Room 6.

To be considered - HB 14

**BUDGET**

Wednesday, February 3, 1999, 9:00 am. Hearing Room 6.

To be considered - HB 14

**BUDGET**

Thursday, February 4, 1999, 9:00 am. Hearing Room 6. Possible Executive Session to follow.

To be considered - HB 14

**CHILDREN, YOUTH, AND FAMILIES**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 8. Possible executive session.

To be considered - HB 308, HB 485, HB 487

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 3, 1999, 3:00 pm. Hearing Rooms 1 and 2. AMENDEDNOTICE

To be considered - HB 100, HB 113, HB 217, HB 348, HB 428, Executive Session - HB 76, Executive Session - HB 103, Executive Session - HB 135, Executive Session - HB 136



## **COMMERCE**

Tuesday, February 2, 1999, 1:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 251, HB 533, HCR 5, HCR 9

## **CONSUMER PROTECTION AND HOUSING**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 7. AMENDED NOTICE

Executive session may follow.

To be considered - HB 167, HB 188, HB 264

## **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 63, HB 271, HB 323, HB 519

## **CRIMINAL LAW**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 69, HB 111, HB 266, HB 359, HJR 10, HJR 12

## **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 317, HB 378, HJR 5

## **EDUCATION - HIGHER**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 8. AMENDED NOTICE

To be considered - HB 321, HB 493

## **ELECTIONS**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 8. Organizational meeting.

To be considered - HEC 1, HEC 2

## **ETHICS**

Tuesday, February 2, 1999, 9:30 am. Northeast Side Gallery. Caucus approval.

## **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Tuesday, February 2, 1999, 5:00 pm. Hearing Room 8.

Joint meeting with members of House and Senate Veterans Committees.

## **FISCAL REVIEW**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 5. Executive Session. AMENDED NOTICE

To be considered - HB 287, HB 450

## **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

To be considered - HB 109, HB 154, HB 368

## **JUDICIARY**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 209, HB 243, HB 282, HB 284, HB 311, SB 128

## **LABOR**

Tuesday, February 2, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 166

## **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, February 2, 1999, 3:00 pm. Hearing Rooms 1 and 2.

Executive session may follow. AMENDED NOTICE.

To be considered - HB 258, HB 267, HB 300, HB 344, HB 429

## **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 467, HCR 10

## **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 49, HB 50, HB 68, HB 141, HB 185, HB 210, HB 336, HB 363, HB 364

## **MUNICIPAL CORPORATIONS**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 107, HB 262, HB 275

## **PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE

Executive session may or may not follow.

To be considered - HB 169, HB 194, HB 197, HB 305, HB 353, HB 474, HB 513

## **PUBLIC HEALTH**

Tuesday, February 2, 1999, 3:00 pm. Hearing Room 9.

To be considered - HB 191, HB 203, HB 204, HB 316, HB 358, Executive Session - HB 39, Executive Session - HB 94

## **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, February 2, 1999, 8:30 am. Hearing Room 5.

To be considered - HB 149, HB 248, HB 318, HB 391

## **RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Tuesday, February 2, 1999, 1:00 pm. Hearing Room 5. Executive session to follow.

Rule 28 procedures manual. AMENDED NOTICE

To be considered - HR 113

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

**Tuesday, February 2, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE**

**To be considered - HB 89, HB 490, HB 550, Executive Session - HB 349**

**TRANSPORTATION**

**Wednesday, February 3, 1999, 1:00 pm. Hearing Room 5. Executive session to follow.**

**To be considered - HB 444, HB 470, HB 494**

**WAYS AND MEANS**

**Tuesday, February 2, 1999, 3:00 pm. Hearing Room 6.**

**To be considered - HB 144, HB 218, HB 227, HB 240, HB 273, HB 307, HB 312,  
HB 333, HB 371, HB 373, HB 375, HB 376, HB 392, HB 393, HB 394, HB 399, HB 410**

**HOUSE CALENDAR**

**SIXTEENTH DAY, TUESDAY, FEBRUARY 2, 1999**

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

**HCR 13**

**HOUSE BILLS FOR SECOND READING**

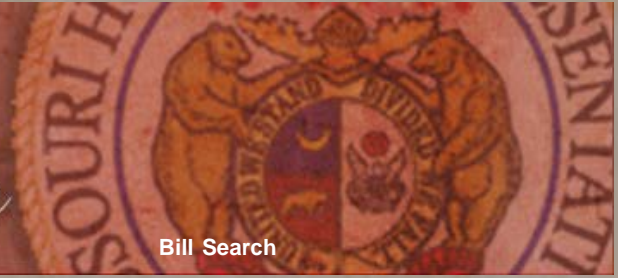
**HB 717 through HB 729**



**Missouri House of Representatives**

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SIXTEENTH DAY, Tuesday, February 2, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Bill Ransdall.

First, I tell you to pray for all people, asking God for what they need and being thankful to Him. Pray for rulers and for all who have authority so that we can have quiet and peaceful lives full of worship and respect for God. (1 Timothy 2:1-2)

O God our heavenly Father, as we begin this day of work, give us wisdom to see the potential in all humanity, to perceive hope where none was possible, to inspire those who are depressed, to strengthen the fallen, to encourage the weak...to see in all the potential of goodness, and to lend aid to all in need of our care; Give us ears to hear, and hearts of discernment. This we ask in Your blessed name, Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Julie Schenker, Leslie Chiang, Nick Mayfield, Katie Giddens, Jennifer Morris, Lori Morris, Eric Morris, Aaron Tiffany, Jessica Talley, Dustin Benner, Angi Cox, Andy Langdon, Bryan Metzinger, Tiffany Barmann, Caleb Moore, Jake Kelley, Amanda Dittmore, Mary George and Reasha Miller.

The Journal of the fifteenth day was approved as corrected by the following vote:

AYES: 154

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty



Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Cooper Daniel 42 Gunn Kasten

Nordwald Scheve Secrest

VACANCIES: 001

## **RESOLUTIONS**

Representative Luetkemeyer offered House Resolution No. 146.

Representative Linton offered House Resolution No. 147.

Representatives Burton, Elliot and Surface offered House Resolution No. 148.

Representative Gaw offered House Resolution No. 149.

Representative Hartzler (123) offered House Resolution No. 150.

Representative Scott offered House Resolution No. 151.

Representative Richardson offered House Resolution No. 152 through House Resolution No. 155.

Representative Davis (122) offered House Resolution No. 156.

Representative Shields offered House Resolution No. 157.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 13** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 717** through **HB 729** were read the second time.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 621** - Education - Elementary and Secondary

#### **COMMITTEE REPORTS**

**Committee on Ethics, Chairman Clayton reporting:**

**Mr. Speaker:** Your Committee on Ethics, to which was referred **JAMES RIVER BASIN AREA CAUCUS**, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

**To: Representative Robert Clayton, Chairman**

**House Ethics Committee**

**From: Representative Judy Berkstresser**

**James River Basin Area Caucus Chairman**

**Date: January 26, 1999**

**Re: James River Basin Area Caucus**

Pursuant to Section 105.473.3(2)(c)d RSMo, 1998 and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives' James River Basin Area Caucus is attached.

Please consider this letter a formal application to the Committee on Ethics to approve this caucus to be recognized as a duly filed and approved caucus of the General Assembly.

I will serve as the designated member to present this request to the Committee. Please contact me at (573) 751-1503 if you have any questions concerning this caucus organization.

**FOR THE HOUSE: FOR THE SENATE:**

**/s/ Linda Bartelsmeyer - 132 /s/ Morris Westfall - 28**

**/s/ Ronnie Miller - 133 /s/ Doyle Childers - 29**

**/s/ Norma Champion - 134 /s/ Roseann Bentley - 30**

**/s/ Roy Holand - 135 /s/ John Russell - 33**

**/s/ Mike Schilling - 136**

**/s/ Mark Wright - 137**

**/s/ Craig Hosmer - 138**

**/s/ Matt Blunt - 139**

**/s/ Charles Ballard - 140**

**/s/ Judy Berkstresser - 141**

**/s/ Jim Kreider - 142**

**/s/ Estel Robirds - 143**

**/s/ Mary Lou Sallee - 144**

**/s/ Kenneth Legan - 145**

**/s/ Beth Long - 146**

**Mr. Speaker: Your Committee on Ethics, to which was referred 5TH CONGRESSIONAL DEMOCRATIC CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.**

**January 26, 1999**

**TO: Representative Robert Clayton**

**Chairman, House Committee on Ethics**

**FROM: Representative Ralph Monaco**

**Chairman, 5th Congressional Democratic Caucus**

**According to Section 105.473.3(2)(c)d, attached is a list of the members of the 5th Congressional Democratic Caucus.**

**Thank you for your consideration.**

**Pursuant to Section 105.473.3(2)(c)d, listed below are the members of the 5th Congressional Democratic Caucus:**

**IN THE HOUSE:**

**District 37- /s/ Vernon Thompson**

**Room 312, 751-1309**

**District 38 - /s/ Tim VanZandt**

**Room 400-CB, 751-5282**

**District 39 - /s/ Marsha Campbell**

**Room 405-B, 751-4485**

**District 40 - /s/ Henry Rizzo**

**Room 413-B, 751-3310**

**District 41 - /s/ Fletcher Daniels**

**Room 315, 751-3158**

**District 42 - /s/ Lloyd Daniel**

**Room 233-B, 751-9758**

**District 43 - vacant**

**District 44 - /s/ Steve McLuckie**

**Room 412-B, 751-2437**

**District 46 - /s/ Thomas Hoppe**

**Room 403-A, 751-9469**

**District 48 - /s/ Bill Boucher**

**Room 313-3, 751-7335**

**District 49 - /s/ Ralph Monaco**

**Room 405- A, 751-9851**

**District 50 - /s/ Carol Jean Mays**

**Room 206-A, 751-7639**

**District 51 - /s/ Dennis Bonner**

**Room 409-A, 751-5701**

**District 53 - /s/ Dick Franklin**

**Room 306, 751-6535**

**Mr. Speaker: Your Committee on Ethics, to which was referred COMMITTEE CHAIR CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.**

**TO: Representative Robert Clayton, Chairman**

**Ethics Committee**

**FROM: Wayne Crump**

**DATE: January 25, 1999**



RE: Committee Chair Caucus

In accordance with Section 105.473.3(2)(c)d and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's Committee Chair Caucus is attached.

Please consider this letter a formal application to your Committee to review this caucus. I shall serve as the designated member unless you are notified differently.

Accounts, Operations, and Finance; Dist. 31. /s/ Bill Skaggs

Agri-Business; Dist. 159 /s/ Marilyn A. Williams

Agriculture; Dist. 9 /s/ Sam Leake

Appropriations - Education and Public Safety; Dist. 33 /s/ Scott B. Lakin

Appropriations - General Administration; Dist. 73 /s/ Timothy P. Green

Appropriations - Health and Mental Health; Dist. 61 /s/ Paula J. Carter

Appropriations - Natural and Economic Resources; Dist. 98 /s/ May Scheve

Appropriations - Social Services and Corrections; Dist. 62 /s/ Charles Q. Troupe

Banks and Financial Institutions; Dist. 85 /s/ Chris Liese

Budget; Dist. 53 /s/ Dick Franklin

Children, Youth and Families; Dist. 67 /s/ Patrick Dougherty

Civil and Administrative Law; Dist. 11 /s/ Philip G. Smith

Commerce; Dist. 40 /s/ Henry Rizzo

Consumer Protection and Housing; Dist. 136 /s/ Mike Schilling

Correctional and State Institutions; Dist. 113 /s/ Bill Gratz

Criminal Law; Dist. 138 /s/ Craig Hosmer

Critical Issues; Dist. 23 /s/ Tim Harlan

Education - Elementary and Secondary; Dist. 36 /s/ Rodger Fitzwater

Education - Higher; Dist. 21 /s/ Ted Farnen

Elections; Dist. 33 /s/ Rita D. Days

Environment and Energy; Dist. 8 /s/ Gary Wiggins

Federal-State Relations and Veterans Affairs; Dist. 48 /s/ Bill Boucher

Fiscal Review; Dist. 20 /s/ Gracia Y. Backer

Governmental Organization and Review; Dist. 69 /s/ Dana L. Murray

Insurance; Dist. 59 /s/ Ron Auer

Joint Committee on Administrative Rules; Dist. 121 /s/ Deleta Williams

Joint Committee on Capital Improvements; Dist. 58 /s/ Louis H. Ford

Joint Committee on Correctional Institutions and Problems; Dist. 27 /s/ Glenda Kelly

Joint Committee on Economic Development, Policy & Planning; Dist. 42 /s/ Lloyd Daniel

Joint Committee on Legislative Research; Dist. 10 /s/ Robert M. Clayton

Joint Committee on Public Employee Retirement; Dist. 51 /s/ Dennis Bonner

Joint Committee on Wetlands; Dist. 77 /s/ David L. Reynolds

Judiciary; Dist. 108 /s/ Brian H. May

Labor; Dist. 80 /s/ John Hickey

Local Government and Related Matters; Dist. 46 /s/ Thomas Hoppe  
Miscellaneous Bills and Resolutions; Dist. 68 /s/ James P. O'Toole  
Missouri Tobacco Settlement; Dist. 44 /s/ Steve McLuckie  
Motor Vehicle and Traffic Regulations; Dist. 79 /s/ Patrick O'Connor  
Municipal Corporations; Dist. 57 /s/ O.L. Shelton  
Professional Registration and Licensing; Dist. 96 /s/ Joseph L. Treadway  
Public Health; Dist. 76 /s/ Lana Ladd Stokan  
Public Safety and Law Enforcement; Dist. 17 /s/ Don R. Kissell  
Retirement; Dist. 75 /s/ Mary M. Hagan-Harrell  
Rules, Joint Rules, and Bills Perfected and Printed; Dist. 152 /s/ Wayne Crump  
Social Services, Medicaid and the Elderly; Dist. 70 /s/ Russell C. Gunn  
State Parks, Natural Resources and Mining; Dist. 149 /s/ Jerry E. McBride  
Tourism, Recreation and Cultural Affairs; Dist. 40 /s/ Francis Overschmidt  
Transportation; Dist. 153 /s/ Don Koller  
Utilities Regulation; Dist. 50 /s/ Carol Jean Mays  
Ways and Means; Dist. 84 /s/ Joan Bray  
Workers Compensation and Employment Security; Dist. 12 /s/ Bill Luetkenhaus

Mr. Speaker: Your Committee on Ethics, to which was referred ST. LOUIS REGIONAL CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

TO: Representative Robert Clayton, Chairman  
Judiciary & Ethics Committee

FROM: Representative David Levin

DATE: January 26, 1999

SUBJECT: St. Louis Regional Caucus

In accordance with Section 105.473.3(2)(c)d and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives' St. Louis Regional Caucus is attached.

Consider this letter a formal application to the Committee on Judiciary and Ethics to approve this caucus, the commonality of interest and the advantages of forming this caucus.

Please contact me at (573) 751-9762, if you have any questions concerning this caucus organization. I shall serve as the designated member to present this caucus to the committee.

#### MEMBERS OF THE ST. LOUIS REGIONAL CAUCUS

#### DISTRICT SIGNATURE

12 /s/ Bill Luetkenhaus

13 /s/ Jon Dolan

14 /s/ Cindy Ostmann

15 /s/ Jon Bennett

16 /s/ Rich Chrismer  
17 /s/ Don Kissell  
18 /s/ Chuck Gross  
57 /s/ O.L. Shelton  
58 /s/ Louis Ford  
59 /s/ Ron Auer  
60 /s/ Amber Boykins  
61 /s/ Paula J. Carter  
62 /s/ Charles Quincy Troupe  
63 /s/ Dorathea Davis  
64 /s/ Robert Hilgemann  
65 /s/ Derio Gambaro  
66 /s/ Harry Kennedy  
67 /s/ Patrick Dougherty  
68 /s/ Jim O'Toole  
69 /s/ Dana L. Murray  
70 /s/ Russell Gunn  
71 /s/ Rita D. Days  
72 /s/ Betty Thompson  
73 /s/ Timothy P. Green  
74 /s/ Thomas George  
75 /s/ Mary Hagan-Harrell  
76 /s/ Lana Ladd Stokan  
77 /s/ David L. Reynolds  
78 /s/ Michael Reid  
79 /s/ Patrick O'Connor

**DISTRICT SIGNATURE**

80 /s/ John Hickey  
81 /s/ James Foley  
82 /s/ David Levin  
83 /s/ Barbara Fraser  
84 /s/ Joan Bray  
85 /s/ Chris Liese  
86 /s/ Todd Akin  
87 /s/ Catherine Hanaway  
88 /s/ John Loudon  
89 /s/ William Linton  
90 /s/ Bill Alter  
91 /s/ Emmy McClelland  
92 /s/ Brent Evans

93 /s/ Patricia Secrest  
94 /s/ Michael Gibbons  
95 /s/ Jim Murphy  
96 /s/ Joseph Treadway  
97 /s/ Carl Hendrickson  
98 /s/ May Scheve  
99 /s/ Catherine Enz  
100 /s/ Joan Barry  
101 /s/ Kate Hollingsworth  
102 /s/ Ryan McKenna  
103 /s/ Mark C. Abel  
104 /s/ Wes Wagner  
105 /s/ Harold R. Selby  
108 /s/ Brian May  
109 /s/ John E. Griesheimer  
110 /s/ Francis Overschmidt  
111 /s/ Jim Froelker

Mr. Speaker: Your Committee on Ethics, to which was referred MISSOURI HOUSE DEMOCRATIC CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

DATE: January 18, 1999

TO: Representative Robert Clayton  
Chairman, House Committee on Ethics

FROM: Representative Dana L. Murray  
Majority Caucus Secretary

I would like to request a hearing and approval for the Missouri House Democratic Caucus and, in accordance with Section 105.473.3(2)(c)d RSMo, we are listing the following members of the General Assembly as members of the Missouri House Democratic Caucus:

DISTRICT NAME DISTRICT NAME

1 /s/ Sam Berkowitz 67 /s/ Patrick Dougherty  
6 /s/ Randall Relford 68 /s/ James O'Toole  
8 /s/ Gary Wiggins 69 /s/ Dana L. Murray  
9 /s/ Sam Leake 70 /s/ Russell Gunn  
10 /s/ Robert Clayton 71 /s/ Rita Days  
11 /s/ Phil Smith 72 /s/ Betty Thompson  
12 /s/ Bill Luetkenhaus 73 /s/ Tim Green  
17 /s/ Don Kissell 74 /s/ Tom George  
20 /s/ Gracia Backer 75 /s/ Mary Hagan-Harrell  
21 /s/ Ted Farnen 76 /s/ Lana Ladd Stokan  
22 /s/ Steve Gaw 77 /s/ David Reynolds



23 /s/ Tim Harlan 79 /s/ Patrick O'Connor  
24 /s/ Chuck Graham 80 /s/ John Hickey  
25 /s/ Vicky Riback Wilson 81 /s/ Jim Foley  
26 /s/ Jim Seigfreid 83 /s/ Barbara Fraser  
27 /s/ Glenda Kelly 84 /s/ Joan Bray  
29 /s/ Maurice Lawson 85 /s/ Chris Liese  
31 /s/ Bill Skaggs 96 /s/ Joe Treadway  
33 /s/ Scott Lakin 98 /s/ May Scheve  
36 /s/ Rodger Fitzwater 100 /s/ Joan Barry  
37 /s/ Vernon Thompson 101 /s/ Kate Hollingsworth  
38 /s/ Tim Van Zandt 102 /s/ Ryan McKenna  
39 /s/ Marsha Campbell 103 /s/ Mark Abel  
40 /s/ Henry Rizzo 104 /s/ Wes Wagner  
41 /s/ Fletcher Daniels 105 /s/ Harold Selby  
42 /s/ Lloyd Daniel 107 /s/ Dan Ward  
44 /s/ Steve McLuckie 108 /s/ Brian May  
46 /s/ Tom Hoppe 110 /s/ Francis Overschmidt  
48 /s/ Bill Boucher 113 /s/ Bill Gratz  
49 /s/ Ralph Monaco 121 /s/ Deleta Williams  
50 /s/ Carol Jean Mays 122 /s/ D.J. Davis  
51 /s/ Dennis Bonner 136 /s/ Mike Schilling  
53 /s/ Dick Franklin 138 /s/ Craig Hosmer  
57 /s/ O.L. Shelton 142 /s/ Jim Kreider  
58 /s/ Louis Ford 147 /s/ Mark Hampton  
59 /s/ Ron Auer 148 /s/ Bill Ransdall  
60 /s/ Amber Holly Boykins 149 /s/ Jerry McBride  
61 /s/ Paula Carter 150 /s/ Kelly Parker  
62 /s/ Quincy Troupe 152 /s/ Wayne Crump  
63 /s/ Dorathea Davis 153 /s/ Don Koller  
64 /s/ Robert Hilgemann 159 /s/ Marilyn Williams  
65 /s/ Derio Gambaro 163 /s/ Phillip Britt  
66 /s/ Harry Kennedy

Mr. Speaker: Your Committee on Ethics, to which was referred FRESHMAN CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

TO: State Representative Robert Clayton

FROM: State Representatives Barbara Fraser and Phillip Britt

DATE: January 20, 1999

RE: Freshman Caucus

In accordance with section 105.473.3(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Freshman Caucus.

**REPRESENTATIVE DISTRICT REPRESENTATIVE DISTRICT**

/s/ Abel, Mark 103 /s/King, Jerry 125  
/s/ Bartle, Matt 56 /s/ Luetkemeyer, Blaine 115  
/s/ Berkowitz, Sam 1 /s/ McKenna, Ryan 102  
/s/ Black, Lanie 161 /s/ Myers, Peter 160  
/s/ Blunt, Matt 139 /s/ Reid, Michael 78  
/s/ Boykins, Amber (Holly) 60 /s/ Selby, Harold 105  
/s/ Britt, Phillip 163 /s/ Thompson, Betty 72  
/s/ Fraser, Barbara 83 /s/ Tudor, Bill 45  
/s/ Gambaro, Derio 65 /s/ Wagner, Wes 104  
/s/ George, Thomas 74 /s/ Ward, Dan 107  
/s/ Hampton, Mark 147 /s/ Wright, Mark 137  
/s/ Hanaway, Catherine 87

Mr. Speaker: Your Committee on Ethics, to which was referred MISSOURI DEMOCRATS FOR LIFE CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

TO: Representative Robert Clayton, Chairman

House Ethics Committee

FROM: Rep. David L. Reynolds

DATE: January 21, 1999

RE: Missouri Democrats for Life Caucus

In accordance with Section 105.470(6)4(2) and d RSMo 1991, we are listing the following members of the General Assembly as members of the "Missouri Democrats for Life Caucus".

**Representatives District**

/s/ Ron Auer 59  
/s/ Joan Barry 100  
/s/ Sam Berkowitz 1  
/s/ Dennis Bonner 51  
/s/ Ted Farnen 21  
/s/ Jim Foley 81  
/s/ Derio Gambaro 65  
/s/ Tom George 74  
/s/ Bill Gratz 113  
/s/ Tim Green 73

/s/ Mark Hampton 147

/s/ John Hickey 80

/s/ Tom Hoppe 46

/s/ Harry Kennedy 66

/s/ Don Kissell 17

/s/ Sam Leake 9

/s/ Chris Liese 85

/s/ Bill Luetkenhaus 12

/s/ Ryan McKenna 102

/s/ Dana Murray 69

/s/ Francis Overschmidt 110

/s/ Pat O'Connor 79

/s/ Jim O'Toole 68

/s/ David Reynolds 77

/s/ Harold Selby 105

/s/ Joe Treadway 96

/s/ Wes Wagner 104

/s/ Gary Wiggins 8

/s/ Wayne Crump 152

/s/ Henry Rizzo 40

Mr. Speaker: Your Committee on Ethics, to which was referred NORTHWEST MISSOURI CATTLEMAN'S CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

January 25, 1999

Robert M. Clayton III

Chairman House Ethics Committee

Capitol Building

Jefferson City, MO 65101

Dear Chairman Clayton,

We the undersigned would like for you to approve the Northwest Missouri Cattleman's Caucus as an official House recognized caucus. The Chairman of the Caucus would be Daniel J. Hegeman.

/s/ Daniel J. Hegeman, Dist. 5

/s/ Don Summers, Dist. 2

/s/ David Klindt, Dist. 3

/s/ Jewell Patek, Dist. 7

/s/ Rex Barnett, Dist. 4

/s/ Carson Ross, Dist. 55

/s/ Jim Howerton, Dist. 120

/s/ Charlie Shields, Dist. 28

/s/ Luann Ridgeway, Dist. 35

/s/ Annie Reinhart, Dist. 34

/s/ Fred Pouche, Dist. 30

/s/ Matt Bartle, Dist. 56

/s/ Don Lograsso, Dist. 54

/s/ Connie J. Cierpiot, Dist. 52 Mr. Speaker: Your Committee on Ethics, to which was referred HOUSE DEMOCRATIC LEADERSHIP CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

January 27, 1999

The Honorable Robert Clayton, III  
Chairman, House Ethics Committee  
House Post Office  
State Capitol  
Jefferson City, MO 65101

Dear Representative Clayton:

Pursuant to Section 105 of the Revised Statutes of Missouri. The following members of the House of Representatives have expressed their willingness, and signed their names to be members of the House Democratic Leadership Caucus.

Furthermore as chair of the Caucus I am requesting that a hearing be held approving its recognition.

/s/ Steve Gaw, Dist. 22

/s/ Jim Kreider, Dist. 142

/s/ Wayne Crump, Dist. 152

/s/ Jim Foley, Dist. 81

/s/ May Scheve, Dist. 98

/s/ Rita Days, Dist. 71

/s/ Dana Murray, Dist. 69

/s/ Marilyn Williams, Dist. 159

/s/ Ralph Monaco, Dist. 49

/s/ Dick Franklin, Dist. 58

Sincerely,

/s/ Steve Gaw

Mr. Speaker: Your Committee on Ethics, to which was referred NEW MILLENNIUM REPUBLICAN CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

TO: Representative Robert Clayton, Chairman  
House Ethics Committee



FROM: Representative Catherine L. Hanaway

DATE: January 20, 1999

RE: New Millennium Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1998 and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives' New Millennium Republican Caucus is attached.

Consider this memorandum a formal application to the Committee on Ethics to approve this caucus, the commonality of interest and the advantages of forming this caucus.

Please contact me at (573) 751-8510, if you have any questions concerning this caucus organization. I have been elected the temporary Chairman of this caucus and asked to present this caucus to the committee.

**Members of the New Millennium Caucus**

**Members**

/s/ Rep. Judy Berkstresser, R-141 /s/ Rep. Larry Crawford, R-117

/s/ Rep. Jon Dolan, R-13 /s/ Rep. Roy Holand, R-135

/s/ Rep. David Klindt, R-3 /s/ Rep. Ronnie Miller, R-133

/s/ Rep. Jewell Patek, R-7 /s/ Rep. Chuck Purgason, R-151

/s/ Rep. Annie Reinhart, R-34 /s/ Rep. Merrill Townley, R-112

/s/ Rep. Matt Bartle, R-56 /s/ Rep. Lanie Black, R-161

/s/ Rep. Matt Blunt, R-139 /s/ Rep. Catherine Hanaway, R-87

/s/ Rep. Jerry King, R-125 /s/ Rep. Blaine Luetkemeyer, R-115

/s/ Rep. Peter Myers, R-160 /s/ Rep. Mike Reid, R-78

/s/ Rep. Bill Tudor, R-45 /s/ Rep. Mark Wright, R-137

Mr. Speaker: Your Committee on ETHICS, to which was referred ST. LOUIS COUNTY CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

TO: State Representatives of St. Louis County

FROM: Representative Jim Foley

DATE: January 13, 1999

RE: St. Louis County Caucus

In accordance with section 105.470.4(2)(c)d RSMo 1991, we are listing the members of the General Assembly as members of the St. Louis County Caucus.

**District Name**

68 /s/Jim O'Toole

69 /s/Dana Murray

70 /s/Russell Gunn

71 /s/Rita Days  
72 /s/Betty Thompson  
73 /s/Timothy Green  
74 /s/Thomas George  
75 /s/Mary Hagan-Harrell  
76 /s/Lana Ladd Stokan  
77 /s/David Reynolds  
78 /s/Michael Reed  
79 /s/Patrick O'Connor  
80 /s/John Hickey  
81 /s/James Foley  
82 /s/David L. Levin  
83 /s/Barbara Fraser  
84 /s/Joan Bray

**District Name**

85 /s/Christopher Liese  
86 /s/Todd Akin  
87 /s/Catherine Hanaway  
88 /s/John Loudon  
89 /s/Bill Linton  
90 /s/Bill Alter  
91 /s/Emmy McClelland  
92 /s/Brent Evans  
93 /s/Patricia Secrest  
94 /s/Michael R. Gibbons  
95 /s/Jim Murphy  
96 /s/Joseph Treadway  
97 /s/Carl Hendrickson  
98 /s/May Scheve  
99 /s/Catherine Enz  
100 /s/Joan Barry

**Mr. Speaker:** Your Committee on ETHICS, to which was referred MISSOURI HOUSE REPUBLICAN CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

**TO:** Representative Robert Clayton, Chairman

**House Ethics Committee**

**FROM:** Representative Chuck Pryor

**Republican Caucus Chairman**

**DATE:** January 19, 1999

**RE:** House Republican Caucus

Pursuant to Section 105.473.3(2)(c) RSMO, 1998 and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives Republican Caucus is attached.

Please consider this letter a formal application to the Committee on Ethics to approve this caucus to be recognized as a duly filed and approved caucus of the General Assembly.

I will serve as a designated member to present this request to the Committee. Please contact me at (573)751-4119 if you have any questions concerning this caucus organization.

**District Name**

86 /s/Todd Akin  
140 /s/Charlie Ballard  
132 /s/Linda Bartelsmeyer  
15 /s/Jon Bennett  
161 /s/Lanie Black  
118 /s/Matt Boatright  
134 /s/Norma Champion  
52 /s/Connie Cierpiot  
117 /s/Larry Crawford  
127 /s/T. Mark Elliott  
92 /s/Brent Evans  
111 /s/Jim Froelker  
94 /s/Michael R. Gibbons  
109 /s/John Griesheimer  
87 /s/Catherine Hanaway  
124 /s/Vicky Hartzler  
97 /s/Carl Hendrickson  
135 /s/Roy W. Holand  
158 /s/Mary Kasten  
125 /s/Jerry King  
145 /s/Kenneth Legan  
89 /s/William Linton  
146 /s/Beth Long  
12 /s/Blaine Luetkemeyer  
91 /s/Emmy McClelland  
95 /s/Jim Murphy  
155 /s/Patrick Naeger  
14 /s/Cindy Ostmann

30 /s/Fred Pouche  
151 /s/Chuck Purgason  
34 /s/Annie Reinhart  
35 /s/Luann Ridgeway  
55 /s/Carson Ross  
157 /s/David Schwab  
93 /s/Patricia Secrest  
2 /s/Don Summers  
112 /s/Merrill Townley  
114 /s/Carl Vogel

**District Name**

90 /s/Bill Alter  
4 /s/Rex Barnett  
56 /s/Matt Bartle  
14 /s/Judy Berkstresser  
139 /s/Matt Blunt  
128 /s/Gary Burton  
16 /s/Rich Chrismer  
32 /s/Bonnie Sue Cooper  
13 /s/Jon Dolan  
99 /s/Catherine Enz  
156 /s/Bill Foster  
131 /s/Sam Gaskill  
106 /s/James Graham  
18 /s/Chuck Gross  
123 /s/Ed Hartzler  
5 /s/Daniel Hegeman  
126 /s/Bubs Hohulin  
120 /s/Jim Howerton  
47 /s/Pat Kelley  
3 /s/David Klindt  
82 /s/David Levin  
54 /s/Don Lograsso  
88 /s/John Loudon  
130 /s/Gary Marble  
133 /s/Ronnie Miller  
160 /s/Peter Myers  
19 /s/Charles Nordwald  
7 /s/Jewell Patek



116 /s/Charles Pryor  
78 /s/Michael Reid  
154 /s/Mark L. Richardson  
143 /s/Estel Robirds  
144 /s/Mary Lou Sallee  
119 /s/Delbert Scott  
28 /s/Charlie Shields  
129 /s/Chuck Surface  
45 /s/Billy D. Tudor  
137 /s/Mark Wright

Mr. Speaker: Your Committee on ETHICS, to which was referred SOUTHERN MISSOURI REPUBLICAN LEGISLATIVE CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

January 26, 1999

Representative Robert Clayton, Chairman  
House Ethics Committee  
State Capitol Building - Room 114C  
Jefferson City, MO 65101

Dear Representative Clayton,

In accordance with Section 105.473.3(2)(c)d RSMo, and the Rules of the House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives Southern Missouri Republican Legislative Caucus is attached.

Consider this letter a formal application to the Committee on Ethics to establish this Caucus, the commonality of interest, the advantages of forming this Caucus, and the regularity of our meetings.

Caucus Leadership members are as follows: T. Mark Elliott, Chairman and CEO, Ken Legan, Vice Chairman, and Charlie Ballard, Keeper of the Hounds. Please contact me at 751-5458 if you have any questions concerning this Caucus organization. I shall serve as the designated member to present this Caucus to Committee.

Sincerely,

/s/ T. Mark Elliott

#### **SOUTHERN MISSOURI REPUBLICAN LEGISLATIVE CAUCUS**

District Name

127 T. Mark Elliott  
140 Charlie Ballard  
132 Linda Bartelsmeyer  
143 Estel Robirds  
120 Jim Howeerton  
131 Sam Gaskill  
129 Chuck Surface

146 Beth Long  
151 Chuck Purgason  
134 Norma Champion  
161 Lanie Black  
156 Bill Foster  
145 Ken Legan  
130 Gary Marble  
144 Mary Lou Sallee  
128 Gary Burton  
119 Delbert Scott

**District Name**

126 Bubs Hohulin  
133 Ronnie Miller  
141 Judy Berkstresser  
135 Roy Holand  
139 Matt Blunt  
118 Matt Boatright  
106 Jim Graham  
47 Pat Kelley  
160 Peter Myers  
157 David Schwab  
137 Mark Wright  
116 Chuck Pryor  
125 Jerry King  
154 Mark Richardson  
112 Merrill Townley  
158 Mary Kasten

**INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was offered and read the first time:

HCR 14, introduced by Representatives Crawford and Graham (106), relating to opposing the Biosphere Reserves designations of the Man and the Biosphere Program, the American Heritage Rivers Initiative Program, and the United States Department of Agriculture National Conservation Buffers Initiative and urging that the proposed Biodiversity Treaty not be ratified by the United States.

**INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 21, introduced by Representatives Williams (159) and Scheve, relating to the Missouri citizen's commission on compensation.

HJR 22, introduced by Representatives Kreider and Fitzwater, relating to taxation.

HJR 23, introduced by Representative Smith, relating to property exempt from taxation.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 730, introduced by Representative Leake, relating to ad valorem property tax collections.

HB 731, introduced by Representative Selby, relating to income tax credits for dry fire hydrants.

HB 732, introduced by Representatives Kelley (47) and Long, relating to income tax and the dependency exemption.

HB 733, introduced by Representative Kelley (47), relating to the unlawful use of weapons.

HB 734, introduced by Representatives Kelley (47), Foster and Hartzler (124), relating to lobbyist activities.

HB 735, introduced by Representatives Ford, Thompson (72), et al, relating to payment of utility bills by consumers.

HB 736, introduced by Representatives Hagan-Harrell, Franklin, Kreider, Fitzwater, Gaw, Farnen and Crump, et al, relating to the public school retirement systems.

HB 737, introduced by Representative Monaco, relating to notaries public.

HB 738, introduced by Representatives Monaco and Campbell, relating to dissolution of marriage.

HB 739, introduced by Representative Hanaway, relating to merchandising practices.

HB 740, introduced by Representative Hanaway, relating to certain special elections.

HB 741, introduced by Representatives Monaco and May (108), relating to the human rights commission.

HB 742, introduced by Representatives Kreider and Fitzwater, relating to budget and current financing of schools.

HB 743, introduced by Representatives Holand and Harlan, relating to health maintenance organizations.

HB 744, introduced by Representative Shelton, relating to noncertificated school employees.

HB 745, introduced by Representative Kreider, relating to sales taxation.

HB 746, introduced by Representatives Boykins, Carter, Thompson (72), Daniel (42), Gunn and Shelton, et al, relating to liquor control.

HB 747, introduced by Representatives Blunt and Wright, relating to individual income tax rates for Missouri residents.

HB 748, introduced by Representatives O'Toole and May (108), relating to compensation of certain officers in the city of St. Louis.

HB 749, introduced by Representatives Hosmer and McClelland, relating to college student involvement in community service.

HB 750, introduced by Representatives Hosmer and McClelland, relating to higher education.

#### COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representative Foley is no longer a member of the Appropriations - Social Services and Corrections Committee.

Representative Berkowitz has been appointed a member of the Appropriations - Social Services and Corrections Committee.

#### WITHDRAWAL OF HOUSE BILL

February 2, 1999

The Honorable Steve Gaw  
Speaker of the Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Speaker,

I respectfully request that House Bill 134 be withdrawn.

Thank you for your prompt attention to this matter.

Yours truly,

/s/ David L. Reynolds  
State Representative  
77th District

The following members' presence was noted: Auer, Daniel (42) and Nordwald.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, February 3, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifteenth Day, Monday, February 1, 1999, pages 257 and 258, roll call, by showing Representatives Hosmer and Thompson (37) voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### AGRICULTURE

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 9. Executive Session May Follow.

To be considered - HB 146, HB 324

##### APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 3, 1999, 10:30 am. Hearing Room 7. Department of Public Safety.

##### APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 4, 1999, 10:30 am. Hearing Room 7. Dept. of Public  
Safety- Gaming Commission. Public testimony for Public Safety.

##### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 3, 1999, 10:00 am. Hearing Room 9 upon adjournment.

COMAP, Total Comp Task Force, Sam II, Y2K.



**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 3, 1999, 10:00 am. Hearing Room 6 upon adjournment.

Budget presentation by the Dept. of Health.

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 8, 1999, 10:00 am. Hearing Room 6. Dept. of Mental

Health and Dept. of Health public testimony.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 3, 1999, 12:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 9, HB 11

**BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 530

**BUDGET**

Wednesday, February 3, 1999, 9:00 am. Hearing Room 6. CANCELLED

To be considered - HB 14

**BUDGET**

Thursday, February 4, 1999, 9:00 am. Hearing Room 6. Possible Executive Session to follow.

To be considered - HB 14

**CHILDREN, YOUTH, AND FAMILIES**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 8. Possible executive session.

To be considered - HB 308, HB 485, HB 487

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 3, 1999, 3:00 pm. Hearing Rooms 1 and 2. AMENDEDNOTICE

To be considered - HB 100, HB 113, HB 217, HB 348, HB 428, Executive Session - HB 76, Executive Session - HB 103, Executive Session - HB 135, Executive Session - HB 136

**CRIMINAL LAW**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 69, HB 111, HB 266, HB 359, HJR 10, HJR 12

**CRITICAL ISSUES**

Wednesday, February 3, 1999, 2:00 pm. Hearing Room 8.

To be considered - Executive Session - HB 618

**EDUCATION - ELEMENTARY AND SECONDARY**

Wednesday, February 3, 1999, 9:30 am. Side gallery.

To be considered - Executive Session - HJR 5

**EDUCATION - HIGHER**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 8. AMENDED NOTICE

To be considered - HB 321, HB 493

**ENVIRONMENT AND ENERGY**

Thursday, February 4, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 145, HB 180, HB 216, HB 524

**FISCAL REVIEW**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 5. Executive Session. AMENDED NOTICE

To be considered - HB 287, HB 450

**GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

**AMENDED NOTICE**

To be considered - HB 109, HB 368

**MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, February 3, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 467, HCR 10

**MUNICIPAL CORPORATIONS**

Wednesday, February 3, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 107, HB 262, HB 275

**PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE

Executive session may or may not follow.

To be considered - HB 169, HB 194, HB 197, HB 305, HB 353, HB 474, HB 513

**RETIREMENT**

Wednesday, February 3, 1999, 8:00 pm. Hearing Room 7. AMENDED NOTICE.

Executive session will follow.

To be considered - HB 83, HB 508, HB 514, HB 515, HB 543

**TOURISM, RECREATION AND CULTURAL AFFAIRS**

Monday, February 8, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 139, HB 504, HB 518

**TRANSPORTATION**

Wednesday, February 3, 1999, 1:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 444, HB 470, HB 494

**UTILITIES REGULATION**

Thursday, February 4, 1999, 8:15 am. Hearing Room 8.

To be considered - HB 406, HB 587, HCR 11

**HOUSE CALENDAR**

**SEVENTEENTH DAY, WEDNESDAY, FEBRUARY 3, 1999**

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 14 -

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 21 through HJR 23

**HOUSE BILLS FOR SECOND READING**

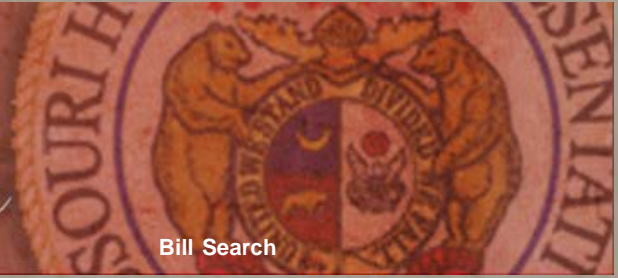
HB 730 through HB 750



**Missouri House of Representatives**

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SEVENTEENTH DAY, Wednesday, February 3, 1999

Speaker Gaw in the Chair.

Prayer by Representative Gracia Backer.

Our most gracious heavenly Father, this is indeed the day You have made and we ask Your help in rejoicing in it as we do our work for the citizens of this state.

Thank You for the beautiful sunshine in the middle of Winter, the pleasant greetings from our colleagues in the middle of committee meetings and the patience our families still have with us in the middle of session. Sometimes, Lord, the middle is a good place to be.

We ask, also, Lord, for Your hand to lay peace upon this world. But let each of us realize that peace doesn't begin with the person sitting next to us or on the other side of the aisle or in another country. Peace must begin in our own hearts each morning.

The blessings You bestow upon us each day are beyond comprehension, but we take time this morning to say a simple thank you for giving us the strength to make it through the day.

We thank You for what You have done for us and what You are going to do for us as Your children. And most importantly, Lord, we thank You for Your patience with us each moment of the day. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the sixteenth day was approved as corrected by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84



Britt Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Davis 63

ABSENT WITH LEAVE: 007

Burton Gunn King Naeger Nordwald

Scheve Scott

VACANCIES: 001

## **RESOLUTIONS**

Representative Hosmer offered House Resolution No. 158 through House Resolution No. 160.

Representatives Luetkenhaus, Dolan, Ostmann, Bennett, Chrismer, Kissell and Gross offered House Resolution No. 161.  
Representative Cierpiot offered House Resolution No. 162.  
Representative Patek offered House Resolution No. 163.  
Representative Clayton offered House Resolution No. 164.  
Representative Tudor offered House Resolution No. 165.  
Representative Williams (121) offered House Resolution No. 166 through House Resolution No. 171.  
Representative Gibbons offered House Resolution No. 172.  
Representative Miller offered House Resolution No. 173 and House Resolution No. 174.  
Representative Backer offered House Resolution No. 175.  
Representative Ross offered House Resolution No. 176.  
Representative Gratz offered House Resolution No. 177.  
Representative Williams (159) offered House Resolution No. 178.  
Representative Scott offered House Resolution No. 179 and House Resolution No. 180.  
Representative Riback Wilson offered House Resolution No. 181.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 14** was read the second time.

#### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 21** through **HJR 23** were read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 730** through **HB 750** were read the second time.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 622 - Social Services, Medicaid and the Elderly**

**HB 623 - Children, Youth and Families**

**HB 624 - Federal-State Relations and Veterans Affairs**

**HB 625 - Elections**

**HB 627 - Insurance**

**HB 628 - Civil and Administrative Law**

**HB 629 - Judiciary**

**HB 630 - Insurance**

**HB 631 - Ways and Means**

**HB 632 - Social Services, Medicaid and the Elderly**

**HB 633 - Local Government and Related Matters**

**HB 634 - Public Health**

HB 635 - Local Government and Related Matters

HB 636 - Retirement

HB 637 - Local Government and Related Matters

HB 638 - Civil and Administrative Law

HB 639 - Judiciary

HB 640 - Education - Higher

HB 641 - Ways and Means

HB 642 - Ways and Means

HB 643 - Ways and Means

HB 644 - Transportation

HB 645 - Insurance

HB 646 - Transportation

HB 647 - Ways and Means

HB 648 - Missouri Tobacco Settlement

HB 649 - Judiciary

HB 650 - Professional Registration and Licensing

HB 651 - Professional Registration and Licensing

HB 653 - Professional Registration and Licensing

HB 654 - Education - Elementary and Secondary

HB 655 - Ways and Means

HB 656 - Ways and Means

HB 657 - Local Government and Related Matters

HB 658 - Public Safety and Law Enforcement

HB 659 - Critical Issues

HB 660 - Public Health

HB 661 - Public Safety and Law Enforcement

HB 662 - Retirement

HB 663 - Ways and Means

HB 664 - Commerce

HB 665 - Civil and Administrative Law

HB 667 - Critical Issues

HB 668 - Ways and Means

HB 669 - Ways and Means

HB 670 - Ways and Means

HB 671 - Utilities Regulation

HB 672 - Local Government and Related Matters

HB 673 - Public Safety and Law Enforcement

HB 674 - Education - Elementary and Secondary

HB 675 - Public Safety and Law Enforcement

HB 676 - Elections

HB 677 - Local Government and Related Matters  
HB 678 - Transportation  
HB 679 - Agriculture  
HB 680 - Transportation  
HB 683 - Motor Vehicle and Traffic Regulations  
HB 684 - Ways and Means  
HB 685 - Education - Higher  
HB 686 - Municipal Corporations  
HB 687 - Ways and Means  
HB 688 - Commerce  
HB 689 - Education - Elementary and Secondary  
HB 690 - Fiscal Review  
HB 691 - Motor Vehicle and Traffic Regulations  
HB 692 - Civil and Administrative Law  
HB 693 - Civil and Administrative Law  
HB 694 - Civil and Administrative Law  
HB 695 - Civil and Administrative Law  
HB 696 - Education - Elementary and Secondary  
HB 697 - Civil and Administrative Law  
HB 699 - Agri-Business  
HB 700 - Utilities Regulation  
HB 701 - Commerce  
HB 702 - Local Government and Related Matters  
HB 703 - Local Government and Related Matters  
HB 718 - Critical Issues

#### **RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

HB 296 - Public Health  
HB 591 - Agri-Business

#### **COMMITTEE REPORTS**

Committee on Agriculture, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred HB 79, begs leave to report it has examined the same and recommends that it Do Pass by Consent.



**Mr. Speaker: Your Committee on Agriculture, to which was referred HB 152, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Agriculture, to which was referred HB 153, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Commerce, Chairman Rizzo reporting:**

**Mr. Speaker: Your Committee on Commerce, to which was referred HB 533, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Consumer Protection and Housing, Chairman Schilling reporting:**

**Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred HB 52, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Correctional and State Institutions, Chairman Gratz reporting:**

**Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred HB 63, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred HB 271, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred HB 323, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Critical Issues, Chairman Harlan reporting:**

**Mr. Speaker: Your Committee on Critical Issues, to which was referred HB 618, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Education - Elementary and Secondary, Chairman Fitzwater reporting:**

**Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred HJR 5, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Fiscal Review, Chairman Backer reporting:**

**Mr. Speaker: Your Committee on Fiscal Review, to which was referred HB 450, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Public Health, Chairman Ladd Stokan reporting:**

**Mr. Speaker: Your Committee on Public Health, to which was referred HB 39, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Social Services, Medicaid and the Elderly, Chairman Gunn reporting:**

**Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred HB 349, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Transportation, Chairman Koller reporting:**

Mr. Speaker: Your Committee on Transportation, to which was referred HB 338, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Urban Affairs, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred HB 35, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Urban Affairs, to which was referred HB 346, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Ways and Means, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred HB 399, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

#### INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 24, introduced by Representative Reynolds, relating to term limitations for members of the general assembly.

#### INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS

The following House Bills were read the first time and copies ordered printed:

HB 2, introduced by Representative Franklin, to appropriate money for expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

HB 3, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

HB 6, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

HB 7, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

HB 8, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

HB 12, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees, established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 751, introduced by Representatives Sallee and Marble, et al, relating to the prevailing wage.

HB 752, introduced by Representatives McKenna, Crump and Leake, relating to motor fuel tax.

HB 753, introduced by Representative Rizzo, relating to tax credits programs administered by the department of economic development.

HB 754, introduced by Representative Rizzo, relating to compulsory school attendance.

HB 755, introduced by Representatives Rizzo and Bartelsmeyer, relating to tax credits for film production companies.

HB 756, introduced by Representative Elliott, relating to county collectors in certain class counties.

HB 757, introduced by Representatives Bennett and Gross, et al, relating to limiting certain state requirements for employment.

HB 758, introduced by Representatives Bennett, Gross, Dolan, Kissell and Chrismer, et al, relating to planning and zoning in certain political subdivisions.

HB 759, introduced by Representatives Bennett and Hartzler (124), et al, relating to restraining orders for juveniles.

HB 760, introduced by Representative Bennett, relating to reporting a crime.

HB 761, introduced by Representative Bennett, et al, relating to eligibility for public assistance.

HB 762, introduced by Representative Bennett, et al, relating to assisted suicide.

HB 763, introduced by Representatives O'Toole and Kelly (27), relating to public records.

HB 764, introduced by Representatives Ward and Boucher, relating to public holidays.

HB 765, introduced by Representatives Rizzo and Campbell, relating to certain tax credits administered by the department of economic development.

HB 766, introduced by Representatives Lakin and Davis (63), relating to the joint committee on health care policy and planning.

HB 767, introduced by Representatives Lakin and Skaggs, relating to contracts for projects by the state and certain political subdivisions.

HB 768, introduced by Representatives Black, Hanaway, Merideth, Secrest, Dolan, Bartle and Schwab, et al, relating to income taxation.

HB 769, introduced by Representatives Bray, Green, McLuckie, Hilgemann, Franklin, Van Zandt and Williams (121), et al, relating to discriminatory wage practices.

HB 770, introduced by Representative Rizzo, relating to a sales tax on motion pictures and videos.

HB 771, introduced by Representatives Ross and O'Connor, relating to the motor vehicle license committee and special license plates.

HB 772, introduced by Representatives Ross and O'Connor, et al, relating to the operation of motor vehicles.

HB 773, introduced by Representative Monaco, relating to planning and zoning.

HB 774, introduced by Representatives Hartzler (123) and Ross, relating to income taxation.



HB 775, introduced by Representative Hosmer, relating to assessments made by certain cities.

HB 776, introduced by Representative McBride, relating to county surveyors and land surveys.

HB 777, introduced by Representative Crump, relating to physicians, surgeons and nurses.

HB 778, introduced by Representative Luetkenhaus, relating to the educational employees' memorial scholarship.

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Kelly (27) is no longer Vice-Chair of the Education - Elementary and Secondary Committee.

Representative Davis has been appointed Vice-Chair of the Education - Elementary and Secondary Committee.

Representative Hosmer is no longer Vice-Chair of the Correctional and State Institutions Committee.

Representative Relford has been appointed Vice-Chair of the Correctional and State Institutions Committee.

Representative O'Connor is no longer Vice-Chair of the Professional Registration and Licensing Committee.

Representative Barry has been appointed Vice-Chair of the Professional Registration and Licensing Committee.

#### **WITHDRAWAL OF HOUSE BILLS**

**February 2, 1999**

The Honorable Steve Gaw

Speaker, Missouri House of Representatives

State Capitol Building

Re: HB 418

Dear Mr. Speaker:

I respectfully request that HB 418 be withdrawn. Thank you for your consideration.

Sincerely,

/s/ Dan Ward

State Representative

107th District

**February 3, 1999**

The Honorable Steve Gaw

Speaker of the House

Missouri House of Representatives

State Capitol Building

Jefferson City, MO 65101

Dear Mr. Speaker:



I respectfully request that House Bill 652 be withdrawn.

Thank you for your consideration.

Sincerely,

/s/ Wes Wagner

February 3, 1999

The Honorable Steve Gaw  
Speaker of the House of Representatives  
State Capitol  
Jefferson City, Missouri 65101

Dear Mr. Speaker:

I respectfully request that House Bill 726 be withdrawn.

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Jim Kreider

Speaker Pro Tem

February 3, 1999

The Honorable Steve Gaw  
Speaker of the Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Speaker,

I respectfully request that House Joint Resolution 11 be withdrawn.

Thank you for your prompt attention to this matter.

Yours truly,

/s/ David L. Reynolds

State Representative

77th District

The following members' presence was noted: Scott and Nordwald.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, February 4, 1999.

#### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Sixteenth Day, Tuesday, February 2, 1999, page 270, line 35, by deleting the number "33" and inserting in lieu thereof the number "71".

#### **COMMITTEE MEETINGS**

##### **AGRI-BUSINESS**

Monday, February 8, 1999, 8:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 541

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, February 4, 1999, 10:30 am. Hearing Room 7. Dept. of Public Safety - Gaming Commission. Public testimony for Public Safety.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 9, 1999. Hearing Room 9 upon adjournment. Begin mark-up.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 10, 1999. Hearing Room 9 upon adjournment. Mark-up

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Thursday, February 11, 1999. Hearing Room 9 upon adjournment. Mark-up if necessary.

##### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 8, 1999, 10:00 am. Hearing Room 6. Dept. of Mental Health and Dept. of Health public testimony.

##### **BUDGET**

Thursday, February 4, 1999, 9:00 am. Hearing Room 6. Possible Executive Session to follow.

To be considered - HB 14

##### **ENVIRONMENT AND ENERGY**

Thursday, February 4, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 145, HB 180, HB 216, HB 524

##### **RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Thursday, February 4, 1999, 9:00 am. Room 309. Executive session.

##### **TOURISM, RECREATION AND CULTURAL AFFAIRS**

Monday, February 8, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 139, HB 504, HB 518

##### **URBAN AFFAIRS**

Monday, February 8, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 347

#### UTILITIES REGULATION

Thursday, February 4, 1999, 8:15 am. Hearing Room 8. AMENDED NOTICE

Executive session may or may not follow.

To be considered - HB 406, HB 587, HCR 11

#### HOUSE CALENDAR

EIGHTEENTH DAY, THURSDAY, FEBRUARY 4, 1999

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 24

#### HOUSE BILLS FOR SECOND READING

HB 751 through HB 778

#### HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

1 HB 2

2 HB 3

3 HB 6

4 HB 7

5 HB 8

6 HB 12

#### HOUSE JOINT RESOLUTION FOR PERFECTION

HJR 5 - Barry

#### HOUSE BILLS FOR PERFECTION

1 HB 450 - Relford

2 HB 153 - Leake

3 HCS HB 349 - Gunn

4 HCS HB 533 - Rizzo

5 HB 346 - Thompson (37)

#### HOUSE BILLS FOR PERFECTION - CONSENT

(February 4, 1999)

1 HB 152 - Leake

2 HB 79 - Ransdall

3 HB 39 - Dougherty

4 HB 63 - Relford

5 HB 271 - Clayton

6 HB 399 - Bray

7 HB 35 - Campbell

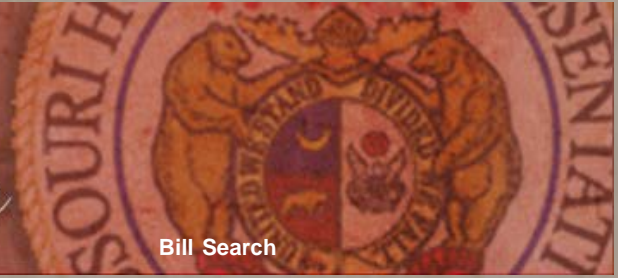


Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

EIGHTEENTH DAY, Thursday, February 4, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Matt Boatright.

Dear Lord, I just want to thank You and praise You for this day - another day of life for which we are grateful. I thank You too for Your instructions for us in Proverbs, Chapter 2 -- Lord, You tell us that if we will receive Your sayings and treasure them in our hearts and cry out for discernment that You will give us wisdom and understanding. Lord, we thank You for the opportunity that You have given each of us in governing. We ask that You would help us apply these principals, from proverbs in our life, that we would be effective in this task. It is in Your name that we praise and thank You, Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jelena Aleksic, Shawn Casey, Sparkle Elliot and Mark Redecker.

The Journal of the seventeenth day was approved as printed by the following vote:

AYES: 135

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bennett Berkowitz

Boatright Boucher Boykins Britt Campbell

Carter Champion Chrismer Cierpiot Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Monaco Murphy

Murray Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schilling Schwab Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Treadway Troupe Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

NOES: 014

Bartle Berkstresser Black Blunt Evans

Gross Hanaway Hohulin Luetkemeyer Miller

Myers Reinhart Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnett Bonner Bray 84 Burton Clayton

Gunn King Luetkenhaus Naeger Scheve

Scott Thompson 37 Mr. Speaker

VACANCIES: 001

## RESOLUTIONS

Representative Dougherty offered House Resolution No. 182.

Representative Howerton offered House Resolution No. 183 through House Resolution No. 185.

Representative Loudon offered House Resolution No. 186.

Representative Black offered House Resolution No. 187 through House Resolution No. 189.

Representative Relford offered House Resolution No. 190.

Representative Townley offered House Resolution No. 191.

Representative King offered House Resolution No. 192.

Representative Vogel offered House Resolution No. 193.

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 24** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 751** through **HB 778** were read the second time.

#### **SECOND READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 2**, **HB 3**, **HB 6**, **HB 7**, **HB 8**, and **HB 12** were read the second time.

#### **REFERRAL OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were referred to the Committee indicated:

**HB 2** - Budget

**HB 3** - Budget

**HB 6** - Budget

**HB 7** - Budget

**HB 8** - Budget

**HB 12** - Budget

#### **COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 252**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 308**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 103**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 136**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HBs 26 & 117**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 69**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 165**, begs leave to report it has examined the same

and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 183**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 359**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 265**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HR 113**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute

for

House Resolution No. 113

BE IT RESOLVED, that Rule 28(22) of the Rules of the House of Representatives of the Ninetieth General Assembly, be amended to read as follows:

**(22) Fiscal Review (a) The Committee on Fiscal Review shall consider any bill, except appropriations bills, which, as determined by a duly issued fiscal note, requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective date of the bill. Such bills shall be referred to the Committee by the Speaker as follows:**

**(1) Any such House bill ordered perfected and printed, prior to its being placed upon the calendar for third reading and final passage;**

**(2) Any such House bill reported to the House with Senate amendments or Senate substitute, prior to its being taken up by the House to be truly agreed and finally passed;**

**(3) Any such Senate bill reported from House committee, prior to its being taken up by the House for third reading and final passage; and**

**(4) Any such House or Senate bill taken from any committee pursuant to the Constitution and House Rule 36 or otherwise taken from committee by action of the House, prior to its being taken up by the House for third reading and final passage.**

**(b) On the request of any member and without regard to the existence or content of a fiscal note on the bill as being considered, the Speaker shall, in his or her discretion, either refer any of the following bills to the committee on Fiscal Review or place the question of such referral before the House, in which a simple majority shall sustain the question:**

**(1) Any House bill ordered perfected and printed that has not previously been reviewed by the Committee, prior to its sponsor being recognized to close on third reading and final passage;**

**(2) Any Senate bill not previously reviewed by the Committee which is so amended as to make it reasonable to suppose that as amended it will increase net expenditure of state money or reduce net state revenue by a total of more than \$100,000, prior to its sponsor being recognized to close on third reading and final passage;**

**(3) Any Senate bill previously reviewed by the Committee which is so amended as to make it reasonable to suppose**



that as amended it will increase net expenditure of state money or reduce net state revenue by in excess of an additional \$100,000 over the net expenditure or net revenue reduction of the bill as previously reviewed by the Committee, prior to its sponsor being recognized to close on third reading and final passage; and

(4) Any House or Senate bill as recommended by a conference committee report in which the conferees have been granted permission to exceed the differences and which it is reasonable to suppose that as recommended it will increase net state expenditure or reduce net state revenue by in excess of an additional \$100,000 over the net expenditure or net revenue reduction of the bill as previously reviewed by the Committee, prior to its sponsor being recognized to close on adoption of the conference committee report.

(c) In considering any bill referred to it for fiscal consideration, the Committee on Fiscal Review shall grant a hearing in which only the primary sponsor or, in the case of a Senate bill, the floor handler, shall testify. The Committee may, with the consent of the sponsor or floor handler, amend an effective date onto any bill referred to the Committee.

(d) For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated.

(e) The Committee on Fiscal Review shall report on any other bills, including those with unknown fiscal notes, measures or questions referred to it by the Speaker.

[(a) The Committee on Fiscal Review shall consider any bill which requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective date of the bill. Any such House bill, after having been perfected and ordered printed by the House shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires net additional expenditure of state money in excess of \$100,000 or which reduces net state revenue by more than \$100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Fiscal Review for its consideration prior to the bill's submission to the House. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion, be re-referred to the Committee on Fiscal Review. The primary sponsor or, in the case of a Senate bill, the floor handler, of a bill referred to the Committee on Fiscal Review shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other. For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated. The Committee on Fiscal Review may, with the consent of the House Sponsor or Floor Handler, amend an effective date onto any bill referred to the Committee.

(b) The Committee on Fiscal Review shall report on any other bills, including those with unknown fiscal notes, measures or questions referred to it by the Speaker.]

Committee on Utilities Regulation, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred HCR 11, begs leave to report it has examined the same and recommends that it Do Pass.

#### House Concurrent Resolution No. 11

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and

potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant.

#### INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 25, introduced by Representatives Hampton, Koller and Crump, et al, relating to taxation.

HJR 26, introduced by Representatives Crump, Purgason, Gaw, Ransdall, Hampton, Elliott, Parker and Koller, et al, relating to the conservation commission.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 779, introduced by Representatives Skaggs, Cooper and Lakin, relating to vacation of certain streets and easements.

HB 780, introduced by Representatives Van Zandt, Long, Days and Bray, relating to initiative petitions.

HB 781, introduced by Representative Hosmer, relating to the distribution of forfeitures.

HB 782, introduced by Representative Gunn, relating to insurance.

HB 783, introduced by Representative Wiggins, relating to landfills.

HB 784, introduced by Representative Wiggins, relating to hazardous wastes.

HB 785, introduced by Representative Reid, relating to a sales tax on motor vehicles.

HB 786, introduced by Representatives Barry, Hegeman and Foley, relating to a database in the division of professional registration for certain health care professionals.

HB 787, introduced by Representative Wiggins, relating to water pollution permit fees.

HB 788, introduced by Representatives Smith, Gaw, Berkowitz, Farnen, Parker, Kissell, Hosmer and Clayton, et al, relating to the registration of offenders.

HB 789, introduced by Representatives Berkstresser and Bartelsmeyer, relating to the powers of the state auditor.

HB 790, introduced by Representatives Kreider, Robirds and Saltee, relating to municipal owned utilities.

HB 791, introduced by Representative Wagner, relating to certain state park funds.

HB 792, introduced by Representatives Kissell and McKenna, relating to certain state fire investigators.

HB 793, introduced by Representatives Treadway, Foley, Kissell, O'Toole and O'Connor, et al, relating to gaming.

HB 794, introduced by Representatives Treadway, O'Connor, Ross, Luetkenhaus, Dolan, Kennedy, Barry, Cierpiot and Chrismer, et al, relating to motor vehicle license plates for certain charitable purposes.

HB 795, introduced by Representatives Kennedy and Crawford, relating to electronic transmission of recordings.

HB 796, introduced by Representative Smith, relating to county hospital assets.

HB 797, introduced by Representatives Richardson, Gratz, Legan, Elliott and Schwab, relating to environmental protection.

HB 798, introduced by Representatives Hosmer and Blunt, relating to public safety offenses.

HB 799, introduced by Representative Seigfreid, relating to special license plates.

HB 800, introduced by Representative Linton, relating to authorizing the director of the department of natural resources to convey various land rights in certain state park property.

HB 801, introduced by Representative Rizzo, relating to tax credits for film production companies.

HB 802, introduced by Representatives Kennedy, O'Toole and May (108), et al, relating to registration and licensing of motor vehicles.

HB 803, introduced by Representative Kennedy, relating to the department of elementary and secondary education.

#### MESSAGE FROM THE GOVERNOR

February 4, 1999

#### REORGANIZATION PLAN NO. 1

1999

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 1999, by Executive Order 99-03, providing for the establishment of the Division of Workforce Development within the Department of Economic Development.

Respectfully submitted,

/s/ Mel Carnahan

Governor

#### EXECUTIVE ORDER

99-03

WHEREAS, the Department of Labor and Industrial Relations, Division of Employment Security is currently the state agency designated to receive federal Wagner-Peyser funds, conduct the free public employment offices and administer other employment assistance programs for the citizens of Missouri; and

WHEREAS, the Department of Economic Development, Division of Job Development and Training currently administers the Job Training Partnership Act, and other job development and training programs for the citizens of Missouri, including the administration of federal Welfare to Work grants; and

WHEREAS, the Department of Elementary and Secondary Education provides vocational education, training and rehabilitation services to its clients; and



WHEREAS, the Division of Job Development and Training and the Department of Elementary and Secondary Education jointly administer customized training programs for Missouri employers; and

WHEREAS, the Coordinating Board for Higher Education, through public community colleges, provides customized training to employers; and

WHEREAS, the Department of Social Services provides case management services and wage supplementation to its clientele; and

WHEREAS, these agencies have worked closely together in the past; and

WHEREAS, consolidation of the labor exchange and job development and training programs currently administered by the Division of Employment Security and Division of Job Development and Training in one state agency will benefit the citizens of the state by promoting efficiency and eliminating duplication of activities and administrative costs; and

WHEREAS, the Department of Labor and Industrial Relations currently compiles labor market information which is essential to the efficient administration of workforce development programs; and

WHEREAS, combining the labor market research and analysis functions of the Department of Labor and Industrial Relations with other workforce development programs will result in a better consolidation of the functions relating to workforce development and would benefit the citizens of the state by further promoting efficient administration of workforce development programs; and

NOW THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the state of Missouri, do hereby establish the Division of Workforce Development within the Department of Economic Development. Said division shall be designated as the state agency to receive Wagner-Peyser funds, shall administer programs under the federal Job Training Partnership Act and the Workforce Investment Act, and shall otherwise coordinate and administer the job development, training and placement activities for the citizens of the state of Missouri.

All the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the Division of Employment Security within the Department of Labor and Industrial Relations related to job training and labor exchange that are funded with or based upon Wagner-Peyser funds, and other federal and state workforce development programs administered by the Division of Employment Security are transferred by a Type I transfer to the Division of Workforce Development within the Department of Economic Development. The Division of Employment Security within the Department of Labor and Industrial Relations shall continue to exist and perform its functions and duties related to unemployment insurance.

All the authority, powers, duties, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the Division of Job Development and Training within the Department of Economic Development are transferred by a Type I transfer to the Division of Workforce Development within the Department of Economic Development. The Division of Job Development and Training within the Department of Economic Development is abrogated.

There shall be a linkage between the job training, placement and employment functions performed by the Department of Elementary and Secondary Education, the Coordinating Board for Higher Education, the Department of Social Services and the Division of Workforce Development. There shall also be a linkage between the unemployment insurance functions of the Division of Employment Security and the Division of Workforce Development.

Further, all the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the labor market research and analysis functions of the Department of Labor and Industrial Relations are transferred by a Type I transfer to the Division of Workforce Development within the Department of Economic Development. This transfer does not include the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of research performed by the Department of Labor and Industrial Relations relating to workers compensation and workplace safety.

Further, all the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the program known as Missouri WORKS! currently within the Department of Labor and Industrial Relations are transferred by a Type I transfer to Division of Workforce Development within the Department of Economic Development.



## COMMUNICATION

February 3, 1999

Mr. David Forgý  
528 South Jefferson  
Aurora, MO 65605

Dear Mr. Forgý:

The Committee on Elections has received your petition for an election contest filed with the Speaker of the House on December 11, 1998. The committee has reviewed your petition and will take no further action.

Sincerely,

/s/ Rita D. Days  
Chair, Committee on Elections

The following member's presence was noted: Luetkenhaus.

## ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, February 8, 1999.

## COMMITTEE MEETINGS

### AGRI-BUSINESS

Monday, February 8, 1999, 8:00 pm. Hearing Room 8. Executive session may follow.

### AMENDED NOTICE.

To be considered - HB 541, HB 591

### AGRICULTURE

Wednesday, February 10, 1999, 2:00 pm. Hearing Room 5. (Note Room Change)

To be considered - HB 679, Executive Session - HB 146

### APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Monday, February 8, 1999, 1:00 pm. Hearing Room 7. Mark up session.CANCELLED

### APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 9, 1999. Hearing Room 9 upon adjournment. Begin mark-up.

### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 10, 1999. Hearing Room 9 upon adjournment. Mark-up

### APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, February 11, 1999. Hearing Room 9 upon adjournment. Mark-up if necessary.

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Monday, February 8, 1999, 9:00 am. Hearing Room 6. Dept. of Mental Health and Dept. of Health public testimony. AMENDED NOTICE

**APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 9, 1999. Hearing Room 6 upon adjournment. Mark- up for the Dept. of Mental Health.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Monday, February 8, 1999, 12:00 pm. Hearing Rooms 1 and 2. CANCELLED  
To be considered - HB 9, HB 11

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 9, 1999, 12:00 pm. Hearing Rooms 1 and 2.  
Revised. Sub-committees/Dept. of Social Services.  
To be considered - HB 9, HB 11

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 10, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.  
To be considered - HB 9, HB 11

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Thursday, February 11, 1999. Hearing Rooms 1 and 2 upon adjournment. Mark-up.  
To be considered - HB 9, HB 11

**BUDGET**

Monday, February 8, 1999, 1:00 pm. Hearing Room 6. Executive session.  
To be considered - HB 14

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 10, 1999, 3:00 pm. Hearing Rooms 1 and 2.  
To be considered - HB 309, HB 382, HB 411, HB 413, HB 473, HB 492,  
Executive Session - HB 76, Executive Session - HB 217, Executive Session - HB 348

**COMMERCE**

Wednesday, February 10, 1999, 1:00 pm. Hearing Room 8. Executive session may follow.  
To be considered - HB 538

**CONSUMER PROTECTION AND HOUSING**

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 7. Possible executive session to follow.  
To be considered - HB 299, HB 552

#### **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 589, HB 601

#### **CRIMINAL LAW**

Wednesday, February 10, 1999, 8:00 pm. Hearing Room 9.

To be considered - HB 40, HB 196, HB 341, HB 370, HB 404, HB 427, HB 551, HB 579

#### **CRITICAL ISSUES**

Monday, February 8, 1999, 7:30 pm. Hearing Room 6. Work session with members of the House Interim Com. on access to affordable health insurance.

To be considered - HB 225, HB 718

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 9, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 456, HB 540, HB 621

#### **ELECTIONS**

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 98, HB 294, HB 676, HEC 2

#### **ENVIRONMENT AND ENERGY**

Tuesday, February 9, 1999. Side gallery upon morning adjournment. Executive session

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Monday, February 8, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 133, HB 326, HB 624

#### **FISCAL REVIEW**

Wednesday, February 10, 1999, 8:30 am. Hearing Room 5.

To be considered - HB 369, HB 690, HJR 4

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 10, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 159, HB 201, HB 319, HB 383, HCR 4

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 10, 1999. Side gallery upon adjournment. Executive session.

#### **INSURANCE**

Tuesday, February 9, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 354, HB 445, HB 446, HB 478, HB 479

#### **JUDICIARY**

**Tuesday, February 9, 1999, 3:00 pm. Hearing Room 5.**

**To be considered - HB 206, HB 242, HB 274, HB 357, HB 486, HB 488, HB 570, HB 595, HJR 1**

#### **LABOR**

**Tuesday, February 9, 1999, 8:00 pm. Hearing Room 6.**

**To be considered - HB 256, Executive Session - HB 166**

#### **LOCAL GOVERNMENT AND RELATED MATTERS**

**Tuesday, February 9, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.**

**To be considered - HB 64, HB 208, HB 249, HB 329, HB 389, HB 402, HB 412**

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

**Tuesday, February 9, 1999, 3:00 pm. Hearing Room 7.**

**To be considered - HB 173, HB 184, HB 315, HB 361, HB 400, HB 408, HB 482,  
HB 505, HB 517, HB 526, Executive Session - HB 363, Executive Session - HB 364**

#### **PROFESSIONAL REGISTRATION & LICENSING**

**Wednesday, February 10, 1999, 8:00 pm. Hearing Room 8.**

**To be considered - HB 254, HB 372, HB 513, HB 650, HB 653**

#### **PUBLIC SAFETY AND LAW ENFORCEMENT**

**Tuesday, February 9, 1999, 8:00 am. Hearing Room 5. Executive session may follow.**

**To be considered - HB 178, HB 335, HB 431, HB 460, HB 568, HJR 6**

#### **TOURISM, RECREATION AND CULTURAL AFFAIRS**

**Monday, February 8, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.**

**To be considered - HB 139, HB 504, HB 518**

#### **URBAN AFFAIRS**

**Tuesday, February 9, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.**

**To be considered - HB 347**

#### **WAYS AND MEANS**

**Tuesday, February 9, 1999, 3:00 pm. Hearing Room 6.**

**To be considered - HB 29, HB 114, HB 116, HB 119, HB 122, HB 176, HB 238,  
HB 280, HB 507, HB 516, HB 521, HB 522, HB 542, HB 548, HB 553**

#### **HOUSE CALENDAR**

**NINETEENTH DAY, MONDAY, FEBRUARY 8, 1999**

#### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

**HJR 25 and HJR 26**



**HOUSE BILLS FOR SECOND READING**

**HB 779 through HB 803**

**HOUSE JOINT RESOLUTION FOR PERFECTION**

**HJR 5 - Barry**

**HOUSE BILLS FOR PERFECTION**

**1 HB 450 - Relford**

**2 HB 153 - Leake**

**3 HCS HB 349 - Gunn**

**4 HCS HB 533 - Rizzo**

**5 HB 346 - Thompson (37)**

**HOUSE BILLS FOR PERFECTION - CONSENT**

**(February 4, 1999)**

**1 HB 152 - Leake**

**2 HB 79 - Ransdall**

**3 HB 39 - Dougherty**

**4 HB 63 - Relford**

**5 HB 271 - Clayton**

**6 HB 399 - Bray**

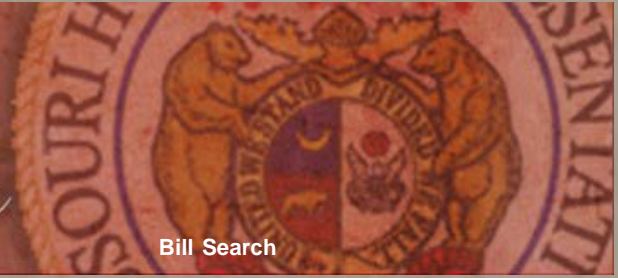
**7 HB 35 - Campbell**



**Missouri House of Representatives**

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

NINETEENTH DAY, Monday, February 8, 1999

Speaker Gaw in the Chair.

Prayer by Ralph Robinett, Sergeant at Arms.

Dear Lord, As we begin our week of service to the citizens of Missouri, please keep us focused on the responsibilities we have been entrusted with. Guide our hearts and minds to do good works for all of our people. Thank You for the beautiful day and the privilege of service in this House of Representatives. May the Lord bless our work this week.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighteenth day was approved as corrected by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Howerton  
Kelley 47 Kelly 27 Kennedy Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 005

Blunt Dolan Hohulin Patek Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Carter Fraser Hosmer Kasten King

Nordwald O'Toole Scheve Secrest

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS ISSUED**

House Resolution No. 8 - House Resolution No. 71

House Resolution No. 73 - House Resolution No. 117

House Resolution No. 119 - House Resolution No. 192

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 194 - Representative Kreider

House Resolution No. 195 - Representative Green

House Resolution No. 196 - Representative O'Toole

House Resolution No. 197 and House Resolution No. 198 - Representative Chrismer

House Resolution No. 199 - Representative Vogel

## RESOLUTION

Representative Williams (121) offered House Resolution No. 200.

### SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 25** and **HJR 26** were read the second time.

### SECOND READING OF HOUSE BILLS

**HB 779** through **HB 803** were read the second time.

### PERFECTION OF HOUSE BILLS

**HB 153**, relating to Ethanol Producer Incentive Fund, was taken up by Representative Leake.

On motion of Representative Leake, **HB 153** was ordered perfected and printed.

**HCS HB 349**, relating to family development accounts, was taken up by Representative Gunn.

On motion of Representative Gunn, **HCS HB 349** was adopted.

On motion of Representative Gunn, **HCS HB 349** was ordered perfected and printed.

**HCS HB 533**, relating to employment of illegal aliens, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HCS HB 533** was adopted.

On motion of Representative Rizzo, **HCS HB 533** was ordered perfected and printed.

**HB 346**, relating to Kansas City transportation sales tax, was taken up by Representative Thompson (37).

On motion of Representative Thompson (37), **HB 346** was ordered perfected and printed.

**HB 450** was placed on the Informal Calendar.

### REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 18** - Education - Elementary and Secondary

**HJR 19** - Ways and Means

**HJR 20** - Miscellaneous Bills and Resolutions

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 528** - Governmental Organization and Review

**HB 704** - Civil and Administrative Law



**HB 705** - Civil and Administrative Law

**HB 707** - Local Government and Related matters

**HB 708** - Agri-Business

**HB 709** - Agriculture

**HB 710** - Ways and Means

**HB 711** - Ways and Means

**HB 714** - Civil and Administrative Law

**HB 715** - Local Government and Related Matters

**HB 716** - Education - Elementary and Secondary

**HB 717** - Criminal Law

**HB 719** - Judiciary

**HB 720** - Education - Elementary and Secondary

**HB 721** - Public Health

**HB 722** - Environment and Energy

**HB 723** - Transportation

**HB 724** - Public Safety and Law Enforcement

**HB 725** - Education - Elementary and Secondary

**HB 727** - Motor Vehicle and Traffic Regulation

**HB 728** - Judiciary

**HB 729** - Public Safety and Law Enforcement

**HB 730** - Education - Elementary and Secondary

**HB 731** - Ways and Means

**HB 732** - Ways and Means

**HB 733** - Public Safety and Law Enforcement

**HB 734** - Miscellaneous Bills and Resolutions

**HB 735** - Utilities Regulation

**HB 736** - Retirement

**HB 737** - Civil and Administrative Law

**HB 738** - Civil and Administrative Law

**HB 739** - Consumer Protection and Housing

**HB 740** - Elections

**HB 741** - Civil and Administrative Law

**HB 742** - Education - Elementary and Secondary

**HB 743** - Insurance

**HB 744** - Education - Elementary and Secondary

**HB 745** - Local Government and Related Matters

**HB 746** - Public Health

**HB 747** - Ways and Means

**HB 748** - Municipal Corporations

**HB 749** - Education - Higher

**HB 750** - Education - Higher  
**HB 751** - Labor  
**HB 752** - Transportation  
**HB 753** - Commerce  
**HB 754** - Education - Elementary and Secondary  
**HB 755** - Commerce  
**HB 756** - Local Government and Related Matters  
**HB 757** - Education - Elementary and Secondary  
**HB 758** - Municipal Corporations  
**HB 759** - Civil and Administrative Law  
**HB 760** - Criminal Law  
**HB 761** - Social Services, Medicaid and the Elderly  
**HB 762** - Critical Issues  
**HB 763** - Civil and Administrative Law  
**HB 764** - Governmental Organization and Review  
**HB 766** - Public Health  
**HB 767** - Governmental Organization and Review  
**HB 768** - Ways and Means  
**HB 769** - Labor  
**HB 771** - Motor Vehicle and Traffic Regulations  
**HB 772** - Motor Vehicle and Traffic Regulations  
**HB 773** - Local Government and Related Matters  
**HB 774** - Ways and Means  
**HB 775** - Local Government and Related Matters  
**HB 776** - State Parks, Natural Resources and Mining  
**HB 778** - Education - Higher  
**HB 779** - Local Government and Related Matters  
**HB 780** - Elections  
**HB 782** - Insurance  
**HB 783** - Environment and Energy  
**HB 784** - Environment and Energy  
**HB 785** - Ways and Means  
**HB 786** - Professional Registration and Licensing  
**HB 787** - Environment and Energy  
**HB 788** - Civil and Administrative Law

#### **RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

**HB 449** - Urban Affairs  
**HB 636** - Urban Affairs

## COMMITTEE REPORTS

**Committee on Banks and Financial Institutions**, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 530**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 14**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 804**, introduced by Representative Naeger, et al, relating to tax relief for the elderly.

**HB 805**, introduced by Representative Naeger, et al, relating to the transportation of pupils to all schools.

**HB 806**, introduced by Representative Naeger, et al, relating to stealing.

**HB 807**, introduced by Representative Naeger, relating to licensing of motor vehicles.

**HB 808**, introduced by Representatives Naeger and Davis (122), relating to state emblems.

**HB 809**, introduced by Representative Dolan, et al, relating to the national guard show-me challenge program.

**HB 810**, introduced by Representative Scheve, relating to licensed gaming activities.

**HB 811**, introduced by Representative Pryor, relating to mortgage brokers.

**HB 812**, introduced by Representatives Berkowitz, Summers, Koller, Klindt, Wiggins and Merideth, et al, relating to public hospitals.

**HB 813**, introduced by Representative Kissell, relating to the peace officer standards and training commission.

**HB 814**, introduced by Representatives Smith and McLuckie, relating to escrow accounts for tobacco product manufacturers.

**HB 815**, introduced by Representatives Kreider, Williams (159), Leake, Crump, Berkowitz, Wiggins, Gaw and Britt, et al, relating to new generation cooperatives.

**HB 816**, introduced by Representative Abel, et al, relating to provisions applicable to all insurance companies.

**HB 817**, introduced by Representatives Lakin, Cooper and Skaggs, relating to time limitations on certain civil procedures.

**HB 818**, introduced by Representatives Fitzwater and Days, relating to the remediation of student academic deficiencies.

**HB 819**, introduced by Representatives Van Zandt, Rizzo and Thompson (37), relating to heating companies.

**HB 820**, introduced by Representative Patek, relating to registration and licensing of motor vehicles.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 291**, entitled:

An act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

**WITHDRAWAL OF HOUSE BILLS**

February 3, 1999

The Honorable Steve Gaw  
Speaker of the House  
Missouri House of Representatives  
State Capitol

RE: HB 683

Dear Mr. Speaker:

I respectfully request that **House Bill 683**, dealing with Motorcycle Safety, be withdrawn.

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Dan Ward

State Representative  
107th District

February 2, 1999

The Honorable Steve Gaw, Speaker  
Missouri House of Representatives  
Capitol Building, Room 308  
Jefferson City, MO 65101

Dear Speaker Gaw:

I request that **House Bill 163** (County Hospital Assets) be withdrawn. This bill was assigned to the Civil and Administrative Law Committee.

Thank you for your consideration of this request. Please feel free to contact me if you have any questions.

Thank you.

Respectfully yours,

/s/ Philip G. Smith

State Representative  
District 11



The following members' presence was noted: Norwald, Carter and Fraser.

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, February 9, 1999.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Eighteenth Day, Thursday, February 4, 1999, pages 298 and 299, roll call, by showing Representatives Barnett and Luetkenhaus voting "aye" rather than "absent with leave".

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Wednesday, February 10, 1999, 2:00 pm. Hearing Room 5. (Note Room Change)

#### **AMENDED NOTICE**

To be considered - HB 679, Executive Session - HB 146, Executive Session - HB 324

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Tuesday, February 9, 1999, 10:30 am. Hearing Room 7. Mark up. House Bills 2, 3, 8 and 12.

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Wednesday, February 10, 1999, 10:30 am. Hearing Room 7. Mark up House Bills 2, 3, 8 and 12.

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, February 11, 1999, 10:30 am. Hearing Room 7. Mark up. Possible executive session.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 9, 1999. Hearing Room 9 upon adjournment. Begin mark-up.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 10, 1999. Hearing Room 9 upon adjournment. Mark-up

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Thursday, February 11, 1999. Hearing Room 9 upon adjournment. Mark-up if necessary.

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 9, 1999. Hearing Room 6 upon adjournment.

Mark- up for the Dept. of Mental Health. CANCELLED

#### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 10, 1999. Hearing Room 6 upon adjournment.

Mark up for the Dept. of Mental Health.

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 9, 1999, 12:00 pm. Hearing Rooms 1 and 2. Revised.

Sub-committees/Dept. of Social Services.

To be considered - HB 9, HB 11

#### APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 10, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

#### APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 11, 1999. Hearing Rooms 1 and 2 upon adjournment. Mark-up.

To be considered - HB 9, HB 11

#### BUDGET

Tuesday, February 9, 1999, 9:00 am. Hearing Room 6. Executive session. CANCELLED

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 10, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 309, HB 382, HB 411, HB 413, HB 473, HB 492,

Executive Session - HB 76, Executive Session - HB 217, Executive Session - HB 348

#### COMMERCE

Wednesday, February 10, 1999, 1:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 538

#### CONSUMER PROTECTION AND HOUSING

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 7. Possible executive session to follow.

To be considered - HB 299, HB 552

#### CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 589, HB 601

#### CRIMINAL LAW

Wednesday, February 10, 1999, 8:00 pm. Hearing Room 9.

To be considered - HB 40, HB 196, HB 341, HB 370, HB 404, HB 427, HB 551, HB 579

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 9, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 456, HB 540, HB 621

#### EDUCATION - HIGHER

Wednesday, February 10, 1999, 3:00 pm. Hearing Room 8. Executive session to follow.

To be considered - HB 230, HB 640, HJR 3

#### ELECTIONS

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 98, HB 294, HB 676, HEC 2

#### ENVIRONMENT AND ENERGY

Tuesday, February 9, 1999. Side gallery upon morning adjournment. Executive session

#### FISCAL REVIEW

Wednesday, February 10, 1999, 8:30 am. Hearing Room 5.

To be considered - HB 369, HB 690, HJR 4

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 10, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 159, HB 201, HB 319, HB 383, HCR 4

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 10, 1999. Side gallery upon adjournment. Executive session.

#### INSURANCE

Tuesday, February 9, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 354, HB 445, HB 446, HB 478, HB 479

#### JUDICIARY

Tuesday, February 9, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 206, HB 242, HB 274, HB 357, HB 486, HB 488, HB 570,  
HB 595, HJR 1

#### LABOR

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 256, Executive Session - HB 166

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 9, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 64, HB 208, HB 249, HB 329, HB 389, HB 402, HB 412

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 10, 1999, 9:00 am. Hearing Room 9. Executive session may follow.

To be considered - HB 610

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, February 10, 1999, 8:00 am. Hearing Rooms 1 and 2.

To be considered - HB 430, HB 648

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 9, 1999, 3:00 pm. Hearing Room 7. AMENDED NOTICE

To be considered - HB 173, HB 184, HB 315, HB 361, HB 400, HB 408, HB 482,  
HB 505, HB 517, HB 526, Executive Session - HB 60, Executive Session -  
HB 363, Executive Session - HB 364

#### MUNICIPAL CORPORATIONS

Wednesday, February 10, 1999, 3:00 pm. Hearing Room 7. Executive session.

#### AMENDED NOTICE

To be considered - HB 437

#### PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 10, 1999, 8:00 pm. Hearing Room 5. CORRECTED NOTICE

To be considered - HB 254, HB 372, HB 513, HB 650, HB 653

#### PUBLIC HEALTH

Tuesday, February 9, 1999, 3:00 pm. Hearing Room 9. Executive session to follow.

Possible bills House Bills 316, 203, 660, 191 and 358. AMENDED

To be considered - HB 96, HB 298, HB 377, HB 401, HB 660

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, February 9, 1999, 8:00 am. Hearing Room 5. Executive session may follow.

To be considered - HB 178, HB 335, HB 431, HB 460, HB 568, HJR 6

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 9, 1999, 8:00 pm. Hearing Room 5. Possible executive session.

To be considered - HB 616, HB 622

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 10, 1999, 3:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 81, HB 174, HB 554

#### URBAN AFFAIRS

Tuesday, February 9, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow. **Canceled.**

To be considered - HB 347

#### WAYS AND MEANS

Tuesday, February 9, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 29, HB 114, HB 116, HB 119, HB 122, HB 176, HB 238,  
HB 280, HB 507, HB 516, HB 521, HB 522, HB 542, HB 548, HB 553



## **HOUSE CALENDAR**

TWENTIETH DAY, TUESDAY, FEBRUARY 9, 1999

### **HOUSE BILLS FOR SECOND READING**

HB 804 through HB 820

### **HOUSE JOINT RESOLUTION FOR PERFECTION**

HJR 5 - Barry

### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 14 - Franklin

### **HOUSE BILLS FOR PERFECTION**

HB 323 - Gratz

HB 338 - Koller

HCS HB 618 - Harlan

### **HOUSE BILL FOR PERFECTION - INFORMAL**

HB 450 - Relford

### **HOUSE BILLS FOR PERFECTION - CONSENT**

(February 4, 1999)

1 HB 152 - Leake

2 HB 79 - Ransdall

3 HB 39 - Dougherty

4 HB 63 - Relford

5 HB 271 - Clayton

6 HB 399 - Bray

7 HB 35 - Campbell

(February 9, 1999)

8 HB 103 - Treadway

9 HB 265 - Smith

10 HB 530 - May (108)

11 HB 136 - Smith

12 HB 252 - Dolan

### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 11, (2-4-99, pgs. 302 & 303) - Mays (50)

### **SENATE BILL FOR SECOND READING**

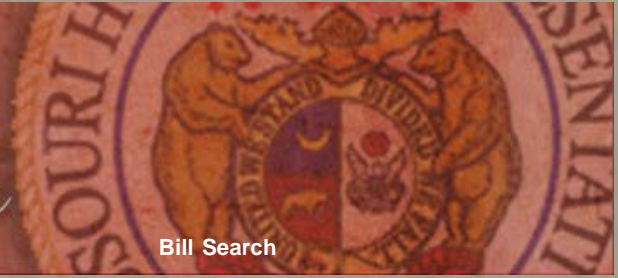
SB 291



Missouri House of Representatives

# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

TWENTIETH DAY, Tuesday, February 9, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Gracia Backer.

Our most gracious Heavenly Father, thank You for giving us another beautiful spring day in the middle of winter. How easy it is to be grateful when the sun is shining, our family is loving and our bodies are healthy. We are happy when things are good.

We ask today, Lord, that You give us strength, courage and perseverance when it's stormy, our families are in turmoil and we are sick in body and mind. Let us be mindful that although things may not seem good at the time, You will always be at our side. Thank You for never giving up on us even though we sometimes give up on You because things are not going our way.

Surprisingly enough, Lord, I became quite angry with my son this weekend and was so hurt that he betrayed my trust. And then it hit me quite suddenly that You experience this from all Your children each day. I ask this morning that we be as forgiving with our children, family and friends as You are each moment with us.

We pray Your healing hand is placed upon our colleague, the lady from St. Louis County, Secrest district, and that she is returned to our midst very soon. Give her comfort and strength knowing You are with her.

As always, thank You for Your blessings and for the opportunity each of us has been given to serve our fellow men and women. Bless our families as we are away and give us safety when we return home this week. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nathan Fehlbaum, Emily Thal, Laura Thal, Aaron Hermann, Caleb Hermann, Luke Hermann, Drew Hermann, Suzy Gerler, Ricky Hughes, Amanda Mealer and Taban Salem.

The Journal of the nineteenth day was approved as corrected by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Carter Enz Hegeman Hohulin Kasten

King Long O'Toole Patek Scheve

Scott Secrest Vogel

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 201 - Representative Leake



House Resolution No. 202 - Representative Liese  
House Resolution No. 203 - Representative Nordwald  
House Resolution No. 204 - Representative Barnett  
House Resolution No. 205 - Representative Enz  
House Resolution No. 206 - Representative Graham (106)  
House Resolution No. 207 - Representative Williams (121)  
House Resolution No. 208 - Representative Reinhart  
House Resolution No. 209 - Representative Reinhart  
House Resolution No. 210 - Representative Ross  
House Resolution No. 211 - Representative Richardson  
House Resolution No. 212 - Representative Elliott  
House Resolution No. 213 - Representative Gratz

#### **SECOND READING OF HOUSE BILLS**

**HB 804** through **HB 820** were read the second time.

#### **SECOND READING OF SENATE BILL**

**SB 291** was read the second time.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 153** - Fiscal Review

#### **PERFECTION OF HOUSE JOINT RESOLUTION**

**HJR 5**, relating to school district bond elections, was taken up by Representative Barry.

Representative Marble offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Joint Resolution No. 5, Page 1, Section 26b, Line 9, by placing a bracket before the word "for" and after the "."; and by adding after the word "majority" the following: "at the primary and general election days."

Representative Loudon offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Joint Resolution No. 5, Page 1, Section 26b, Line 9, by deleting the words "all election days," and replace it with the words "if the election is held at a November general election."

Representative Loudon moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 045

Akin Alter Ballard Bartelsmeyer Bartle

Berkstresser Black Blunt Burton Champion

Crawford Elliott Evans Foster Froelker

Graham 106 Hanaway Hegeman Hohulin Holand

Howerton Klindt Legan Levin Linton

Loudon Luetkemeyer Marble Merideth Miller

Murphy Myers Naeger Pouche Pryor

Purgason Reid Reinhart Richardson Ridgeway

Sallee Schwab Scott Surface Wright

NOES: 104

Abel Auer Backer Barnett Barry 100

Bennett Berkowitz Boatright Bonner Boucher

Boykins Bray 84 Britt Campbell Chrismer

Cierpiot Clayton Cooper Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Enz Farnen Fitzwater Foley

Ford Franklin Fraser Gambaro George

Gibbons Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hendrickson Hilgemann Hollingsworth

Hoppe Hosmer Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Liese

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Monaco Murray Nordwald

O'Connor Ostmann Overschmidt Parker Patek

Ransdall Relford Reynolds Rizzo Robirds

Ross Schilling Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Thompson 37 Thompson 72 Townley Treadway Troupe

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Carter Gaskill Hickey Kasten King

Lawson Leake Lograsso Long O'Toole

Scheve Secrest Tudor

VACANCIES: 001

Representative Marble moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Levin offered **House Amendment No. 2**.

Representative Farnen raised a point of order that **House Amendment No. 2** is not germane to the bill.

Representative Treadway raised an additional point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the first point of order not well taken.

The Chair ruled the second point of order well taken.

On motion of Representative Barry, **HJR 5** was ordered perfected and printed.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 793** - Miscellaneous Bills and Resolutions

#### **RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

**HB 277** - Consumer Protection and Housing

**HB 631** - Public Health

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SB 291** - Children, Youth and Families

#### **COMMITTEE REPORTS**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 216**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 524**, begs leave to report it has

examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 318**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 318, Page 1, Section 650.320, Line 11 by inserting before the number "**911**" the word "**primary**"; and

Further amend said bill, Page 3, Section 650.340, Line 5 by deleting the word "**dispatcher**" and inserting in lieu thereof the word "**telecommunicator**"; and

Further amend said bill, Page 4, Section 650.340, line 24 by inserting after said line the following:

**"7. This section shall not apply to an emergency medical dispatcher as defined in subdivision (11) of section 190.100, RSMo, or a person trained by an entity accredited or certified under section 190.131, RSMo, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134, RSMo."**

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 139**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 518**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were read the first time and copies ordered printed:

**HCR 15**, introduced by Representative Crump, et al, relating to Missouri's support of state retention of all state tobacco settlement funds.

**HCR 16**, introduced by Representative Leake, relating to the Risk Management Program of the Environmental Protection Agency.

**HCR 17**, introduced by Representative Barnett, relating to the annexation of a portion of Northwest Missouri State University by the city of Maryville.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 821**, introduced by Representatives Gratz, O'Connor, Levin, Luetkenhaus and Pouche, et al, relating to marriage.

**HB 822**, introduced by Representative Liese, relating to banking.

**HB 823**, introduced by Representatives Relford, Seigfreid, Ransdall, Crump, Gratz and Smith, relating to inmate litigation.

**HB 824**, introduced by Representatives Schilling and Fitzwater, relating to minors and driver's licenses.

**HB 825**, introduced by Representative Schilling, relating to the division of credit unions.

**HB 826**, introduced by Representatives Harlan, Cooper, Ladd Stokan, Troupe and Griesheimer, et al, relating to long-term care facilities.

**HB 827**, introduced by Representative Williams, et al, relating to state standards.



**HB 828**, introduced by Representatives Smith and McLuckie, relating to a smoking cessation treatment program.

**HB 829**, introduced by Representative Smith, relating to structured settlements.

**HB 830**, introduced by Representative Gibbons, relating to a flat tax on individual income tax.

**HB 831**, introduced by Representative Elliott, relating to assault of a law enforcement officer in the second degree.

**HB 832**, introduced by Representatives Dolan and Troupe, relating to immunization of school children.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 5**.

#### **Senate Concurrent Resolution No. 5**

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet legal minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code will be finalized in September, 1999, in St. Louis; and

WHEREAS, the International Building Code will be published in April, 2000; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby create the Governor's commission for the review and formulation of building code implementation; and

BE IT FURTHER RESOLVED that the members shall consist of two state senators appointed by the President Pro Tem of the Senate representing each political party, two representatives appointed by the Speaker of the House of Representatives representing each political party, the Attorney General or his designee, the Director of the Department of Public Safety or his designee, the Director of the Department of Natural Resources or his designee, the director of the Division of Design & Construction or his designee, and fourteen citizen members appointed by the Governor and qualified to serve, each representing at least one of the following areas: commissioner of a county of the third classification; registered architect; registered engineer engaged in building and construction; building official - urban; building official - small jurisdiction; fire protection district representative; Governor's Office for Employment of the Disabled; Seismic Safety Commission; Manufactured Housing Commission; general contractor; home builder; building/construction trades-urban; building/construction trades-rural; and the insurance industry; and

BE IT FURTHER RESOLVED that the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Governor shall appoint the members of the commission by June 1, 1999, and such commission shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED that the commission may solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make appropriate recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission is charged with developing and recommending the following: an administrative framework and funding method for a state building construction code; a complete package of construction codes that specifically excludes any zoning, land use or planning responsibility; a complete package of construction codes that specifically exempts all nonindustrial farm structures and residences; and methods for training and certifying code enforcers; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by December 1, 1999, and then shall be dissolved May 31, 2000; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the office of administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 10**.

Senate Concurrent Resolution No. 10

WHEREAS, the current financial crises in Asia, Russia and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries and a collapse in the domestic demand for steel in those countries; and

WHEREAS, these crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately has a detrimental effect on this state's economy; and

WHEREAS, there is a well recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, requests the President of the United States to commence immediate study to determine the entry into the customs territory of the United States of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to immediately impose a one-year ban on imports of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this

resolution to Bill Clinton, President of the United States.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: O'Toole.

#### **ADJOURNMENT**

On motion of Representative Foley, the House adjourned until 10:00 a.m., Wednesday, February 10, 1999.

#### **COMMITTEE MEETINGS**

##### **AGRI-BUSINESS**

Wednesday, February 10, 1999. Side gallery upon adjournment. Executive session.

To be considered - HB 541, HB 591

##### **AGRICULTURE**

Wednesday, February 10, 1999, 2:00 pm. Hearing Room 5. (Note Room Change)

##### **AMENDED NOTICE**

To be considered - HB 679, Executive Session - HB 146, Executive Session - HB 324

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Wednesday, February 10, 1999, 10:30 am. Hearing Room 7. Mark up House Bills 2, 3, 8 and 12.

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, February 11, 1999, 10:30 am. Hearing Room 7. Mark up. Possible executive session.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 10, 1999. Hearing Room 9 upon adjournment. Mark-up

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Thursday, February 11, 1999. Hearing Room 9 upon adjournment. Mark-up if necessary.

##### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 10, 1999. Hearing Room 6 upon adjournment. Mark up  
for the Dept. of Mental Health.

##### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 10, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

##### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Thursday, February 11, 1999. Hearing Rooms 1 and 2 upon adjournment. Mark-up.

To be considered - HB 9, HB 11

##### **CHILDREN, YOUTH, AND FAMILIES**



Wednesday, February 10, 1999, 8:00 pm. Hearing Room 8. Possible executive session.

To be considered - HB 269, SB 291

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 10, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 309, HB 382, HB 411, HB 413, HB 473, HB 492,

Executive Session - HB 76, Executive Session - HB 217, Executive Session - HB 348

#### COMMERCE

Wednesday, February 10, 1999, 1:00 pm. Hearing Room 8. Executive session may follow.

#### AMENDED NOTICE

To be considered - HB 538, HB 753

#### CRIMINAL LAW

Wednesday, February 10, 1999, 8:00 pm. Hearing Room 9.

To be considered - HB 40, HB 196, HB 341, HB 370, HB 404, HB 427, HB 551, HB 579

#### CRITICAL ISSUES

Thursday, February 11, 1999, 8:30 am. Hearing Room 6. Work session with House

Interim Committee on Small Business Access to Health Insurance.

To be considered - HB 718, HB 225

#### EDUCATION - HIGHER

Wednesday, February 10, 1999, 3:00 pm. Hearing Room 8. Executive session to follow.

To be considered - HB 230, HB 640, HJR 3

#### ENVIRONMENT AND ENERGY

Thursday, February 11, 1999, 8:30 am. Hearing Room 9. Continuation of HB 180.

To be considered - HB 58, HB 603, HB 722, HB 783

#### FISCAL REVIEW

Wednesday, February 10, 1999, 8:30 am. Hearing Room 5.

To be considered - HB 369, HB 690, HJR 4

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 10, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 159, HB 201, HB 319, HB 383, HCR 4

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 10, 1999. Side gallery upon adjournment. Executive session.

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 10, 1999, 9:00 am. Hearing Room 9. Executive session may follow.



To be considered - HB 610

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, February 10, 1999, 8:00 am. Hearing Rooms 1 and 2.

To be considered - HB 430, HB 648

#### MUNICIPAL CORPORATIONS

Wednesday, February 10, 1999, 3:00 pm. Hearing Room 7. Executive session.

#### AMENDED NOTICE

To be considered - HB 437

#### PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 10, 1999, 8:00 pm. Hearing Room 5. CORRECTED NOTICE

To be considered - HB 254, HB 372, HB 513, HB 650, HB 653

#### RETIREMENT

Wednesday, February 10, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 84, HB 459, HB 491, HB 582, HB 605, HB 662

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 10, 1999, 3:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 81, HB 174, HB 554

#### SUBCOMMITTEE ON LANDMARK PARKS

Monday, February 15, 1999, 1:00 pm. Hearing Room 5. Budget request for  
Land Mark Local Parks Program.

#### TRANSPORTATION

Wednesday, February 10, 1999, 3:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 646, HB 678, HB 680, HB 723

#### URBAN AFFAIRS

Tuesday, February 16, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 347, HB 449, HB 636

#### UTILITIES REGULATION

Thursday, February 11, 1999, 8:15 am. Hearing Room 8. Executive session may or may not follow.

To be considered - HB 160, HB 671, HB 700

#### HOUSE CALENDAR

TWENTY-FIRST DAY, WEDNESDAY, FEBRUARY 10, 1999

#### HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 15

HCR 16

HCR 17

#### **HOUSE BILLS FOR SECOND READING**

HB 821 through HB 832

#### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 14 - Franklin

#### **HOUSE BILLS FOR PERFECTION**

1 HB 323 - Gratz

2 HB 338 - Koller

3 HCS HB 618 - Harlan

4 HB 318, HCA 1 - Leake

5 HCS HB 524 - Ransdall

6 HCS HB 139 - Long

#### **HOUSE BILL FOR PERFECTION - INFORMAL**

HB 450 - Relford

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(February 4, 1999)

1 HB 152 - Leake

2 HB 79 - Ransdall

3 HB 39 - Dougherty

4 HB 63 - Relford

5 HB 271 - Clayton

6 HB 399 - Bray

7 HB 35 - Campbell

(February 9, 1999)

8 HB 103 - Treadway

9 HB 265 - Smith

10 HB 530 - May (108)

11 HB 136 - Smith

12 HB 252 - Dolan

(February 10, 1999)

13 HB 216 - Parker

14 HB 518 - Ross

**HOUSE CONCURRENT RESOLUTION FOR ADOPT & 3RD READ**

**HCR 11, (2-4-99, pgs. 302 & 303) - Mays (50)**

**HOUSE BILLS FOR THIRD READING**

**1 HB 153, (Fiscal Review 2-9-99) - Leake**

**2 HCS HB 349 - Gunn**

**3 HCS HB 533 - Rizzo**

**4 HB 346 - Thompson (37)**

**SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

**SCR 10**

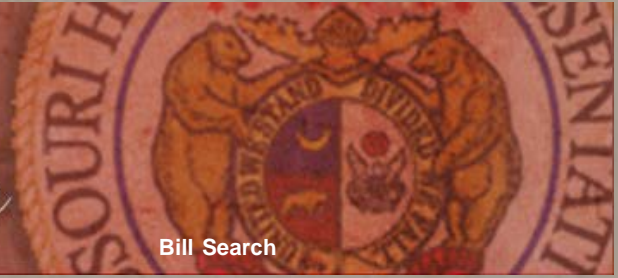
**SCR 5**



**Missouri House of Representatives**

# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

TWENTY- FIRST DAY, WEDNESDAY, February 10, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Donald W. Lammers, St. Peters Church.

Lord, God, we stand always within the range of your sight. Conscious of our weaknesses and wrongs, we stand humbly before You.

Today, enlighten us as we take up the affairs of the state. Give us light and strength to know Your will, to make it our own, and to live it in our lives. Guide us by Your wisdom, support us by Your power, for You are God, the Creator, and we are the creature.

You desire justice for all. Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to Yourself in the bond of integrity, and keep us faithful to all that is true.

As we work together this day, may we temper justice with concern for the needy, so that all our decisions may be pleasing to You, and earn the reward promised to good and faithful servants. You are the one God, who lives and reigns forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twentieth day was approved as corrected by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42



Daniels 41 Davis 122 Davis 63 Days Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Luetkenhaus Marble  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Blunt Hohulin Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton Dolan Gambaro Hoppe King

Lograsso May 108 Nordwald Secrest

VACANCIES: 001

## RESOLUTION

**House Resolution No. 149** was taken up by Representative Williams (159) and read.

House Resolution No. 149

WHEREAS, the members of the Missouri House of Representatives are quite pleased to welcome Daniel Patrick Reardon, IV,

as a new citizen residing in the Show-Me State; and

WHEREAS, born on Saturday, January 30, 1999, Daniel Reardon weighed eight pounds, eight ounces and proudly measured twenty-one inches in length; and

WHEREAS, the second child and first son of the Honorable May E. Scheve of Grantwood Village, Daniel Reardon entered this world through the capable help of the doctors and staff at Missouri Baptist Hospital in St. Louis, Missouri; and

WHEREAS, Daniel Reardon's mother enjoys distinction as the State Representative from the Ninety-eighth District which encompasses more than thirty-one thousand residents of the southern part of St. Louis County; and

WHEREAS, State Representative May Scheve has proven herself to be an active and valued member of the legislature through her esteemed work as Chairman for Appropriations-Natural and Economic Resources and the Joint Committee on Gaming and Wagering and as a valued member of Budget; Commerce; Education-Higher; and Rules, Joint Rules, Bills Perfected and Printed committees; and

WHEREAS, educated at Saint Louis University and Webster University, Representative May Scheve married Daniel P. "Tim" Reardon, III, on August 29, 1992, and has proudly supported and encouraged his professional endeavors with Barnes Jewish Children's (BJC) Health Systems; and

WHEREAS, welcoming the arrival of Daniel Reardon, IV, is his older sister, Madeline, who is quite excited about what the future holds for her and her new sibling;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to offer a hearty Missouri welcome to Daniel Reardon and to extend warmest congratulations to our colleague, Representative May Scheve, and her husband Tim Reardon; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the family of newly born Daniel Patrick Reardon, IV, as they provide the very best of a loving and nurturing home in which he will grow and mature.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 214 through House Resolution No. 234 - Representative Pouche

House Resolution No. 235 - Representative Burton

House Resolution No. 236 - Representative Clayton

House Resolution No. 237 - Representative Richardson

House Resolution No. 238 through House Resolution No. 240 - Representative Gross

House Resolution No. 241 - Representative Relford

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 15** through **HCR 17** were read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 821** through **HB 832** were read the second time.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 5** and **SCR 10** were read the second time.

#### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 153, HB 346, HCS HB 349** and **HCS HB 533**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### PERFECTION OF HOUSE BILL - APPROPRIATIONS

**HCS HB 14**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HCS HB 14** was adopted.

On motion of Representative Franklin, **HCS HB 14** was ordered perfected and printed.

#### PERFECTION OF HOUSE BILLS

**HB 323**, relating to conveyance in Cole County, was taken up by Representative Gratz.

On motion of Representative Gratz, **HB 323** was ordered perfected and printed.

**HB 338**, relating to division of motor carrier and railroad safety revisions, was taken up by Representative Koller.

Representative Koller offered **House Amendment No. 1**.

##### *House Amendment No. 1*

AMEND House Bill No. 338, Page 1, Section A, Line 4, by deleting all of said line and inserting in lieu thereof the following: "390.270, 390.290, 390.300, 390.310, 622.400, 622.490, 622.600, 622.604, 622.608, 622.610 and 622.612, RSMo Supp. 1998, are"; and

Further amend said bill, Page 16, Section 390.126, Line 28, by inserting immediately after the word "state" the following: ", **including carriers licensed in other states which choose not to issue policies in this state.**".

On motion of Representative Koller, **House Amendment No. 1** was adopted.

Representative Backer offered **House Amendment No. 2**.

##### *House Amendment No. 2*

AMEND House Bill No. 338, Page 1, Section A, Line 9, by inserting after all of said line the following:

"304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour;

(2) Upon the rural expressways of this state, sixty-five miles per hour;



(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor[, unless such]; **except that any person [was] exceeding the posted speed limit by twenty miles per hour or more [then it] is guilty of a class B misdemeanor and any person operating a commercial motor vehicle licensed for a gross weight of fifty-four thousand pounds or more in excess of seventy-five miles per hour upon any section of a road or highway with a posted or designated speed limit of seventy miles per hour is guilty of a class A misdemeanor and shall be fined one thousand dollars.**"; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Parker assumed the Chair.

Representative Koller offered **House Amendment No. 1 to House Amendment No. 2.**



House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to House Bill No. 338, Page 6, Section 304.010, Lines 2 through 5 on said page, by deleting all of said lines and inserting in lieu thereof the following:

**"person operating a motor vehicle in excess of seventy-five mile per hour upon any section of a road or highway".**

Speaker Pro Tem Kreider resumed the Chair.

Representative Koller moved that **House Amendment No. 1 to House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 011

Bartelsmeyer Bray 84 Hohulin Koller Legan

Miller Overschmidt Pryor Purgason Richardson

Robirds

NOES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fraser Froelker Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy Kissell Klindt Kreider

Lakin Leake Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble Mays 50 McBride McClelland McKenna

McLuckie Merideth Monaco Murphy Murray

Myers Naeger O'Connor O'Toole Ostmann

Parker Patek Pouche Ransdall Reid

Reinhart Relford Reynolds Ridgeway Rizzo

Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Daniels 41 Dolan Ford Gambaro Hoppe  
King Lawson May 108 Nordwald Secrest  
Skaggs

VACANCIES: 001

Representative Parker offered **House Amendment No. 2 to House Amendment No. 2.**

*House Amendment No. 2*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Bill No. 338, Page 1, Section A, by deleting the language "thousand dollars" and insert in lieu thereof the following:

"hundred dollars for each mile per hour in excess of seventy-five miles per hour."

On motion of Representative Parker, **House Amendment No. 2 to House Amendment No. 2** was adopted.

On motion of Representative Backer, **House Amendment No. 2, as amended**, was adopted.

Representative Kissell offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Bill No. 338, Page 2, Section 304.030, Line 14, by inserting after said line the following:

"304.580. 1. As used in this section, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked by the department of transportation as an area where construction, maintenance, or other work is temporarily occurring.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone.

**3. Upon a conviction or a plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, the court shall assess a fine of two hundred and fifty dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone and at the time the speeding violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction or work zone. However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 2 of this section and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to**

**section 1 of this act.**

[3.] **4.** This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo.

**Section 1. The department of transportation shall erect signs upon or around a construction or work zone, as defined in section 304.580, RSMo, which are clearly visible from the highway and which state substantially the following message: "Warning: \$250 Fine for speeding in this work zone".; and**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Kissell, **House Amendment No. 3** was adopted.

Representative Lograsso offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Bill No. 338, behind House Amendment No. 2, Page 6, Line 7, by adding at the end of said line the following:

" and any person operating a commercial motor vehicle licensed for a gross weight of fifty-four thousand pounds or more at a speed less than seventy miles per hour while in the left lane, with a posted or designated speed limit of seventy miles per hour is guilty of a class A misdemeanor; and"

On motion of Representative Lograsso, **House Amendment No. 4** was adopted.

Representative Hartzler (124) offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Bill No. 338, Page 28, Section 622.612, Line 11, by adding the following:

Section 1. Notwithstanding any other provisions of law to the contrary, any commercial motor vehicle, as defined in section 301.010, RSMo, which is subject to the federal motor carrier safety regulations as provided in section 307.400, RSMo, and having current proof of an annual periodic inspection as required by Part 396.17, Title 49, Code of Federal Regulations, pertaining to federal Motor Carrier Safety Regulations, shall not be required to submit to the annual motor vehicle inspections as required in section 307.350, RSMo.

On motion of Representative Hartzler (124), **House Amendment No. 5** was adopted.

On motion of Representative Koller, **HB 338, as amended**, was ordered perfected and printed.

### **THIRD READING OF HOUSE BILL**

**HCS HB 349**, relating to family development accounts, was taken up by Representative Gunn.

On motion of Representative Gunn, **HCS HB 349** was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Foster Franklin Fraser  
Froelker Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Leake  
Legan Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Daniels 41 Dolan Ford Gambaro Harlan  
Hoppe King Lawson Levin May 108  
Nordwald Richardson Secrest Skaggs

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative McKenna moved that the vote by which the bill passed be reconsidered.



Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 331** - Public Safety and Law Enforcement

**HB 606** - Criminal Law

**HB 612** - Critical Issues

**HB 615** - Civil and Administrative Law

**HB 617** - Civil and Administrative Law

**HB 619** - Criminal Law

**HB 765** - Commerce

**HB 770** - Commerce

**HB 777** - Professional Registration and Licensing

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 697** - Professional Registration and Licensing

#### **COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 541**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HCR 4**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **House Concurrent Resolution No. 4**

WHEREAS, section 33.155, RSMo, allows the commissioner of administration and the state treasurer to establish an electronic funds transfer system to allow state employees' compensation to be transferred directly into employees' accounts in financial institutions; and

WHEREAS, some state employees do not have an account established at a financial institution; and

WHEREAS, certain state agencies are requiring employees in the agency to authorize the direct electronic transfer of the employees' compensation into an account at a financial institution; and

WHEREAS, such requirement creates an undue hardship on such employees:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby direct the commissioner of administration and the state treasurer to establish in the standards and procedures for administering an electronic funds transfer pursuant to section 33.155, RSMo, a requirement for all state agencies to allow state employees earning less than one thousand five hundred dollars per month to have the option to either receive their monthly compensation in the form of a bank draft made payable to the employee or to have such monthly compensation transferred directly into the employee's account at a financial institution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the commissioner of administration and the state treasurer.

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 368**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HB 166**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 60**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 316**, **HB 660** and **HB 203**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 358**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 248**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 568**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

**HB 10**, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 833**, introduced by Representatives Hartzler (124) and Summers, relating to teachers.

**HB 834**, introduced by Representative Crump, relating to authorizing the director of the department of natural resources to convey an easement in Taum Sauk Mountain State Park.

**HB 835**, introduced by Representative Elliott, relating to public safety offenses.

**HB 836**, introduced by Representative Skaggs, relating to carnival ride inspections.

**HB 837**, introduced by Representatives Farnen, Britt, Hampton, Boykins, Berkowitz, Parker and Ransdall, et al, relating to protective services for the elderly.

**HB 838**, introduced by Representatives Elliott, Dolan, Naeger and Shields, et al, relating to group and individual health insurance coverage.

**HB 839**, introduced by Representative Riback Wilson, relating to the Missouri family trust.

**HB 840**, introduced by Representatives Gratz, Gaw, Backer, Parker, Leake, Britt, Luetkenhaus and Selby, et al, relating to motor vehicle financial responsibility.

**HB 841**, introduced by Representative Harlan, relating to health and educational facilities authority.

**HB 842**, introduced by Representative May (108), relating to judicial commissioners in circuit courts.

**HB 843**, introduced by Representative Auer, relating to health insurance.

**HB 844**, introduced by Representatives Gratz, Gaw, Selby, Berkowitz, Luetkenhaus and Davis (63), et al, relating to drivers' licenses.

**HB 845**, introduced by Representative Davis (63), relating to the joint committee on health care policy and planning.

**HB 846**, introduced by Representative Carter, relating to purchase of services by the state.

**HB 847**, introduced by Representative Relford, relating to political subdivisions operating as ambulance districts.

**HB 848**, introduced by Representative Luetkenhaus, relating to unemployment insurance.

**HB 849**, introduced by Representatives Gaw, Fitzwater, Days, Boucher, Scheve, Davis (122), Leake, Williams (159), Murray, Foley and Crump, et al, relating to educational assessments.

**HB 850**, introduced by Representatives Hosmer, May (108), Gaw, Kissell, Crump, Smith, Luetkenhaus, Foley, Clayton, Kreider and Davis (63), et al, relating to definitions for sexual offenses.

**HB 851**, introduced by Representatives May (108), Gaw, Hosmer, Williams (159), Boykins, Abel, Parker, Clayton, Kreider, Luetkenhaus, Davis (63), Smith, Britt and Relford, et al, relating to the effect of the repeal of a penal statute.

**HB 852**, introduced by Representatives Gaw, May (108), Smith, Hosmer, Clayton, Kissell, Relford, Crump, Kreider, Foley and Davis (63), et al, relating to civil commitment of sexually violent predators.

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Champion is no longer a member of the Labor Committee.

Representative Dolan has been appointed a member of the Labor Committee.

Representative Gratz has been appointed Chair of the House Travel Committee.

Representatives Campbell, Griesheimer, Shelton and Alter, have been appointed members of the House Travel Committee.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 8**.

Senate Concurrent Resolution No. 8

WHEREAS, Dr. George Washington Carver was born the son of slaves near Diamond Grove, Missouri, on or about July 12, 1861; and

WHEREAS, while still an infant, his father was killed, and he and his mother were kidnaped from their master Moses Carver. Moses Carver bought back George from his captors for a horse valued at \$300; and

WHEREAS, as a child whom the Carvers called "George Washington", he had an inquiring mind and instinctive knowledge of



plants and the Carvers encouraged him to study and get an education; and

WHEREAS, at the age of ten, George Washington Carver left his home with the Carvers to enroll in a one-room school in Neosho, Missouri, and when he learned all this school had to teach him, he moved to Minneapolis, Kansas, where he completed high school, supporting himself by doing odd jobs; and

WHEREAS, George Washington Carver attended Simpson College, at Indianola, Iowa, and later attended and graduated from the Iowa State College of Agriculture and Mechanical Arts, with a Bachelor of Science degree and a Master of Science degree;

WHEREAS, in 1898, George Washington Carver was asked by Booker T. Washington to join the staff of Tuskegee Institute, Alabama, where he happily remained until his death; and

WHEREAS, Dr. Carver found that the land in Alabama was exhausted by the cultivation of cotton and he discovered that peanuts and sweet potatoes would yield productive crops in the Alabama soil and create new income for the state; and

WHEREAS, because there was little knowledge or use for peanuts and sweet potatoes Dr. Carver began experiments which led to the inventions of more than 300 by-products of peanuts and sweet potatoes; and

WHEREAS, his contributions to the field of agricultural chemistry included the inventions of: salad oil, peanut butter, and dyes of 19 different shades from peanuts; stains and face powder from clays; flour and shoe blacking polish from sweet potatoes; paving blocks from cotton; dyes from dandelions, tomato vines and trees; and

WHEREAS, Dr. George Washington Carver died on January 5, 1943; and

WHEREAS, January 5th was designated as a "recognition day" in honor of Dr. George Washington Carver by the 79th United States Congress and President Harry S Truman; and

WHEREAS, although passed by Congress in 1945, Dr. George Washington Carver is not given the special recognition that he so richly deserves on January 5th or any other day:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby establishing January 5th as "George Washington Carver Day" in the state of Missouri, to honor him for his many humanitarian contributions and scientific discoveries he made in the agricultural industry; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor requesting that he declare by proclamation, January 5th as "George Washington Carver Day" in the state of Missouri.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 11**.

Senate Concurrent Resolution No. 11

WHEREAS, Missouri is and will continue to be a leading agricultural state; and

WHEREAS, the economic success of this state depends to a large degree on the success of agriculture and related industries; and

WHEREAS, falling prices for commodities and livestock have placed Missouri farms and businesses supporting Missouri farms in severe economic distress; and

WHEREAS, there exists a variety of farm-related businesses providing goods and services to Missourians engaged in agriculture that are also facing economic distress resulting from the distress of their primary market; and

WHEREAS, federal policies and laws affecting agriculture have an immediate and direct impact on Missouri's farmers and agricultural industries;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the Missouri House of Representatives concurring therein, respectfully request the federal government to take all necessary and appropriate action to support those businesses existing to provide the goods and services necessary to farm operations; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this resolution to the Missouri delegation in the United States House of Representatives and the United States Senate, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Commerce and the President of the United States.

In which the concurrence of the House is respectfully requested.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 244**, entitled:

An act to repeal section 337.029, RSMo Supp. 1998, as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479 and 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 and 1428, eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 278**, entitled:

An act to repeal section 456.120, RSMo 1994, relating to limited liability companies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 25**, entitled:

An act to repeal section 194.117, RSMo 1994, relating to sudden infant death syndrome, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILLS

February 9, 1999

The Honorable Steve Gaw  
Speaker, House of Representatives  
Capitol Building  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **House Bill No. 638** be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Thomas J. Hoppe  
State Representative  
46th Legislative District

February 9, 1999

Anne C. Walker, Chief Clerk  
Missouri House of Representatives  
Room 306C - Capitol Bldg.

Jefferson City, MO 65101

Dear Ms. Walker:

I respectfully request that **House Bill 329** be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Estel Robirds

State Representative

District 143

The following member's presence was noted: Gambaro.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, February 11, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twentieth Day, Tuesday, February 9, 1999, pages 323 and 324, roll call, by showing Representatives Enz, Hegeman, Patek and Scott voting "aye" rather than "absent with leave".

Pages 325 and 326, roll call, by showing Representative Hickey and voting "no" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Thursday, February 11, 1999, 10:30 am. Hearing Room 7. Mark up. Possible executive session. CANCELLED

##### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Monday, February 15, 1999, 1:00 pm. Hearing Room 7. Executive session.

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Thursday, February 11, 1999. Hearing Room 9 upon adjournment. Mark-up if necessary.

CANCELLED

##### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Tuesday, February 16, 1999. Hearing Room 6 upon adjournment.

Mark up for the Dept. of Mental Health.

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Tuesday, February 16, 1999. Hearing Room 8 upon adjournment. Subcommittee reports.

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Wednesday, February 17, 1999. Hearing Room 8 upon adjournment. Begin mark-up.

#### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, February 18, 1999. Hearing Room 8 upon adjournment. Mark-up continued.

#### APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 11, 1999. Hearing Rooms 1 and 2 upon adjournment.

Mark-up. CANCELLED

To be considered - HB 9, HB 11

#### CONSUMER PROTECTION AND HOUSING

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 127, HB 192, HB 277

#### CRITICAL ISSUES

Thursday, February 11, 1999, 8:30 am. Hearing Room 6. Work session of the House Interim Committee on Small Business Access to Health Insurance.

To be considered - HB 225, HB 718

#### CRITICAL ISSUES

Monday, February 15, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 362, HB 435, HB 620, HB 659

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 105, HB 212, HB 510, HB 564, HB 565, HB 689

#### ENVIRONMENT AND ENERGY

Thursday, February 11, 1999, 8:30 am. Hearing Room 9. Continuation of HB 180.

To be considered - HB 58, HB 603, HB 722, HB 783

#### FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Tuesday, February 16, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 326

#### FISCAL REVIEW

Thursday, February 11, 1999, 9:30 am. North side gallery.

To be considered - Executive Session - HB 287, Executive Session - HB 369,

Executive Session - HB 690, Executive Session - HJR 4

#### INSURANCE

Tuesday, February 16, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 397, HB 446, HB 599, HB 627, HB 645

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 11, 1999, 9:00 am. Hearing Rooms 1 and 2.

Organizational meeting. Discussion and release of oversight reports.

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 16, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 43, HB 97, HB 156, HB 268, HB 352, HB 366, HB 407,  
HB 527, HB 703, HB 707

#### SUBCOMMITTEE ON APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, February 15, 1999, 1:00 pm. Hearing Room 9.

#### SUBCOMMITTEE ON LANDMARK PARKS

Monday, February 15, 1999, 1:00 pm. Hearing Room 5.

Budget request for Land Mark Local Parks Program.

#### URBAN AFFAIRS

Tuesday, February 16, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 347, HB 449, HB 636

#### UTILITIES REGULATION

Thursday, February 11, 1999, 8:15 am. Hearing Room 8. Executive session may or may not follow.

To be considered - HB 160, HB 671, HB 700

#### HOUSE CALENDAR

TWENTY-SECOND DAY, THURSDAY, FEBRUARY 11, 1999

#### HOUSE BILLS FOR SECOND READING

HB 833 through HB 852

#### HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 10

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 618 - Harlan

2 HB 318, HCA 1 - Leake

3 HCS HB 524 - Ransdall

4 HCS HB 139 - Long

5 HCS HB 52 - Scheve

6 HB 541 - Kreider

7 HB 368 - Murray

#### HOUSE BILL FOR PERFECTION - INFORMAL

HB 450 - Relford



## **HOUSE BILLS FOR PERFECTION - CONSENT**

(February 4, 1999)

- 1 HB 152 - Leake
- 2 HB 79 - Ransdall
- 3 HB 39 - Dougherty
- 4 HB 63 - Relford
- 5 HB 271 - Clayton
- 6 HB 399 - Bray
- 7 HB 35 - Campbell

(February 9, 1999)

- 8 HB 103 - Treadway
- 9 HB 265 - Smith
- 10 HB 530 - May (108)
- 11 HB 136 - Smith
- 12 HB 252 - Dolan

(February 10, 1999)

- 13 HB 216 - Parker
- 14 HB 518 - Ross

(February 11, 1999)

- 15 HB 248 - Kissell
- 16 HB 165 - May (108)
- 17 HB 359 - Hosmer
- 18 HB 69 - Elliott
- 19 HB 358 - Hosmer
- 20 HB 183 - Pouche

## **HOUSE JOINT RESOLUTION FOR THIRD READING**

HJR 5 - Barry

## **HOUSE BILLS FOR THIRD READING**

- 1 HB 153, (Fiscal Review 2-9-99) - Leake
- 2 HCS HB 533 - Rizzo
- 3 HB 346 - Thompson (37)

## **SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

- 1 SCR 8
- 2 SCR 11

**SENATE BILLS FOR SECOND READING**

1 SB 25

2 SCS SB 244

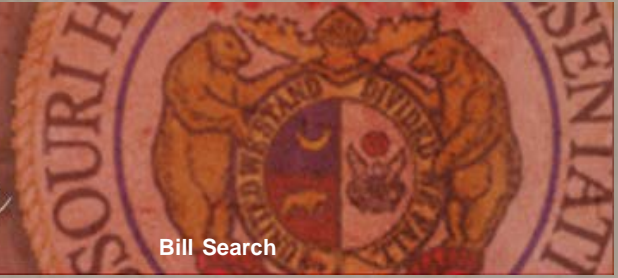
3 SB 278



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

TWENTY-SECOND DAY, Thursday, February 11, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Donald W. Lammers.

Lord, our God, You placed Your word about praying for government leaders on the lips of the apostle Paul.

"First of all, then, I ask that supplications, prayers, petitions, and thanksgivings be offered for everyone, for kings and for all in authority, that we may lead a quiet and tranquil life in all devotion and dignity." (1 Timothy 2:1-2)

Lord, we pray for these government leaders, the Missouri House of Representatives. Strengthen them to be examples of righteousness to our society. Grant them the blessing of experiencing the wisdom of the Holy Spirit in their deliberations today.

Yes, Lord, may everything we do begin with Your inspiration and continue with Your help, that all our work of this day may begin in You, and by You be happily completed.

You are God, our divine Father, who live and reign forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Curtis Evans, Rachel Evans, Sarah Evans and Harold Evans.

The Journal of the twenty-first day was approved as corrected by the following vote:

AYES: 134

Abel Akin Alter Auer Backer

Ballard Barnett Bennett Berkowitz Boatright

Bonner Boucher Britt Burton Campbell

Carter Champion Chrismer Clayton Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dougherty Elliott Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hosmer Howerton  
Kasten Kelly 27 Kennedy Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Monaco Murphy Murray Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 012

Bartle Black Blunt Gross Hanaway  
Hohulin Luetkemeyer Miller Myers Patek  
Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bartelsmeyer Berkstresser Boykins Bray 84  
Cierpiot Dolan Enz Foster Hoppe  
Kelley 47 King Reinhart Scheve Secrest  
Skaggs

VACANCIES: 001

## RESOLUTIONS

**House Resolution No. 182** was taken up by Representative Dougherty and read.



House Resolution No. 182

WHEREAS, Laura Burkhardt Moeller of Jefferson City began her service to the Missouri House of Representatives in 1975 as a diligent session employee in the Perfecting Office, where she quickly proved herself to be invaluable before shifting her focus for a year with the Secretary of State's Office and then returning to the House Perfecting Office in 1977 as the night-shift supervisor responsible for training session employees and readying the House Journal and introduced bills for publishing; and

WHEREAS, after nearly a decade of exemplary leadership, Laura Moeller authored an impressive proposal which reconfigured existing resources to create the office of House Graphics which, with Laura Moeller as its coordinator, produced individualized, flexible "formula" publications such as newsletters, surveys, and directories for all 163 Representatives and which under her direction implemented direct-mail methods that saved more than \$100,000 in taxpayer-funded postage annually; and

WHEREAS, in 1996 the consolidation of House Graphics and Perfecting resulted in Laura Moeller accepting the newly formed position of Publications Supervisor with oversight of two shifts to accurately complete the prepress preparation of journals; three million constituent, direct-mail publications a year; and a wide variety of legislative bills; and

WHEREAS, throughout all of her professional and civic-minded volunteer endeavors which include service as Director and Membership Chair of the Capital City Council on the Arts, KidZarT '97 Chairman, Director and Newsletter Editor of the Cole County Historical Society, member of Jefferson City's City Council and Task Force on Human Relations, Director of Jefferson City Day Care Center, and Co-founder and President of Friends-of-Children, Laura Moeller has enjoyed the loving support and encouragement of her extended family which includes her children Ryan and Chelsea Moeller, her mother Alice and late father Alfred Burkhardt, and siblings Dan and Marilyn Burkhardt:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to commend Laura Moeller for her many professional achievements down through the years and to express appreciation for her competent service to this body as a hardworking, highly creative, and utterly dependable employee; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Laura Burkhardt Moeller, whose warm personality and impressive professional skills should serve her well as she steps into a bright and hopeful future.

On motion of Representative Dougherty, Rule 63 was suspended and **House Resolution No. 182** was adopted by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Bartle Bennett Berkowitz

Black Blunt Boatright Bonner Boucher

Britt Burton Campbell Carter Champion

Chrismer Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hosmer Howerton Kasten Kelly 27 Kennedy

Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Barry 100 Bartelsmeyer Berkstresser Boykins Bray 84  
Cierpiot Dolan Enz Hoppe Kelley 47  
King O'Toole Reinhart Scheve Secrest  
Skaggs Thompson 37

VACANCIES: 001

**House Resolution No. 158** was taken up by Representative Hosmer and read.

House Resolution No. 158

WHEREAS, it is with tremendous concern that the members of the Missouri House of Representatives pause to acknowledge the grave danger of cardiac arrest and the role it plays in taking the lives of countless citizens across this state; and

WHEREAS, one of the leading causes of death throughout the United States, cardiac arrest claims an estimated 350,000 lives each year and is usually caused by an electrical malfunction of the heart called ventricular fibrillation; and

WHEREAS, difficult to predict, cardiac arrest strikes men and women, both young and old, with symptoms that can include immediate loss of consciousness and death within a matter of minutes without prompt medical intervention; and

WHEREAS, defibrillation stops ventricular fibrillation with an electrical pulse that allows a normal heart rhythm to resume and is highly effective when administered within the first few minutes following sudden cardiac arrest; and

WHEREAS, The American Heart Association estimates that as many as 100,000 deaths could be prevented each year through the widespread deployment of defibrillators; and

WHEREAS, during the 1996 and 1998 Legislative Sessions, the Missouri General Assembly passed legislation that would enable first responders and other properly qualified persons to operate automated defibrillators; and

WHEREAS, Ken Ordiway of Kimberling City became the first life clinically saved due to the passage of this legislation; and

WHEREAS, Heartstream, a manufacturer of Automated External Defibrillators (AEDs), has earned the praise and respect of all Missourians for its generous donation of an AED to the Missouri House of Representatives and for the intense training of the Capitol Police in the proper use of this device:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in expressing our most sincere appreciation to Heartstream for its efforts in reducing the risk of death from cardiac arrest in Missouri and to The American Heart Association, the Missouri State Medical Association, and the State Capitol Police for their concerted endeavors to support this important cause; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Heartstream.

On motion of Representative Hosmer, Rule 63 was suspended and **House Resolution No. 158** was adopted by the following vote:

AYES: 139

Akin Alter Auer Backer Ballard

Barnett Bartle Bennett Berkowitz Black

Blunt Boatright Bonner Boucher Britt

Burton Campbell Carter Champion Chrismer

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Elliott Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hosmer

Howerton Kasten Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lakin Leake

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Relford Reynolds

Ridgeway Rizzo Robirds Ross Sallee

Schilling Schwab Scott Seigfreid Selby

Shelton Smith Summers Surface Thompson 37

Thompson 72 Townley Treadway Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 023

Abel Barry 100 Bartelsmeyer Berkstresser Boykins

Bray 84 Cierpiot Dolan Enz Hoppe

Kelley 47 King Lawson Legan O'Connor

Reinhart Richardson Scheve Secrest Shields

Skaggs Stokan Troupe

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 242 - Representative Myers

House Resolution No. 243 - Representative Thompson (37)

House Resolution No. 244 - Representative Vogel

House Resolution No. 245 through House Resolution No. 254 - Representative Howerton

House Resolution No. 255 - Representative Klindt

House Resolution No. 256 and House Resolution No. 257 - Representative Gibbons

House Resolution No. 258 - Representative Pryor

#### **SECOND READING OF HOUSE BILLS**

**HB 833** through **HB 852** were read the second time.

#### **SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 10** was read the second time.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 8** and **SCR 11** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 25**, **SCS SB 244** and **SB 278** were read the second time.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:



**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 5**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**THIRD READING OF HOUSE BILLS**

**HB 346**, relating to Kansas City transportation sales tax, was taken up by Representative Thompson (37).

On motion of Representative Thompson (37), **HB 346** was read the third time and passed by the following vote:

AYES: 095

Abel Auer Backer Bennett Berkowitz  
Black Bonner Boucher Britt Campbell  
Carter Clayton Cooper Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dougherty  
Farnen Fitzwater Foley Ford Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hickey Hilgemann Hollingsworth Hosmer Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Monaco Murray Myers O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Ransdall Relford Reynolds Rizzo Ross  
Schilling Seigfreid Selby Shelton Shields  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Tudor Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 051

Akin Alter Ballard Barnett Bartle  
Blunt Boatright Burton Champion Chrismer  
Crawford Elliott Evans Foster Gross  
Hanaway Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Howerton Kasten Klindt Legan  
Levin Linton Lograsso Long Loudon

Luetkemeyer Marble Miller Murphy Naeger  
Nordwald Patek Pryor Purgason Reid  
Richardson Ridgeway Robirds Sallee Schwab  
Scott Summers Surface Townley Vogel  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bartelsmeyer Berkstresser Boykins Bray 84  
Cierpiot Dolan Enz Franklin Hoppe  
Kelley 47 King Reinhart Scheve Secrest  
Skaggs

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 533**, relating to employment of illegal aliens, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HCS HB 533** was read the third time and passed by the following vote:

AYES: 133

Abel Akin Alter Auer Backer  
Ballard Barnett Bartle Berkowitz Black  
Blunt Boatright Bonner Boucher Britt  
Burton Campbell Carter Champion Chrismer  
Cooper Crawford Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dougherty Elliott  
Evans Farnen Fitzwater Foley Ford  
Foster Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hosmer Howerton Kasten  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Levin Liese Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Naeger  
Nordwald O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Smith Summers Surface Thompson 37 Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 004

Bennett Murphy Myers Reid

PRESENT: 000

ABSENT WITH LEAVE: 025

Barry 100 Bartelsmeyer Berkstresser Boykins Bray 84  
Cierpiot Clayton Dolan Enz Franklin  
Hoppe Kelley 47 King Lawson Leake  
Legan Linton May 108 O'Connor Reinhart  
Scheve Secrest Skaggs Stokan Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

#### **ADOPTION OF HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 11**, relating to telecommunications, was taken up by Mays (50).

On motion of Representative Mays (50), **House Concurrent Resolution No. 11** was adopted.

### PERFECTION OF HOUSE BILLS

**HCS HB 618**, relating to elderly health care needs, was taken up by Representative Harlan.

Representative Harlan offered **HS HCS HB 618**.

On motion of Representative Harlan, **HS HCS HB 618** was adopted.

On motion of Representative Harlan, **HS HCS HB 618** was ordered perfected and printed.

**HB 318, with House Committee Amendment No. 1**, relating to 911 telecommunications, was taken up by Representative Leake.

On motion of Representative Leake, **House Committee Amendment No. 1** was adopted.

Speaker Pro Tem Kreider assumed the Chair.

Representative Crawford offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Bill No. 318, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 190.307, RSMo 1994, and section 650.330, RSMo Supp. 1998, relating to certain emergency telephone services, and to enact in lieu thereof four new sections relating to the same"; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 190.307, RSMo 1994, and section 650.330, RSMo Supp. 1998, are repealed and four new sections enacted in lieu thereof, to be known as sections 190.307, 650.320, 650.330 and 650.340, to read as follows:

190.307. 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to [190.320] **190.340**.

2. No person who gives emergency instructions through a system established [under] **pursuant to** sections 190.300 to [190.320] **190.340** to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence."

On motion of Representative Crawford, **House Amendment No. 1** was adopted.

On motion of Representative Leake, **HB 318, as amended**, was ordered perfected and printed.

**HCS HB 524**, relating to hazardous waste fees, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **HCS HB 524** was adopted.



On motion of Representative Ransdall, **HCS HB 524** was ordered perfected and printed.

**HCS HB 139**, relating to tourism tax, was taken up by Representative Long.

Representative Long offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 139, Page 1, Section 1, Line 1, by inserting after the word "county" the following: ", **other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state,**"; and

Further amend said bill, Pages 1 and 2, Section 1, Lines 16 to 22, by deleting all of said lines and inserting in lieu thereof the following:

**"2. The tax authorized in this section shall not be imposed in any city or county where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof is imposed pursuant to any other law of this state.**

**3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:**

**Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent?**

**YES NO**

**4. As used in this section, "transient guests" means a person or persons who occupy room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.";** and

Further amend said bill, Page 2, Section 2, Line 1, by inserting after the word "county" the following: "**not already imposing a sales tax for the promotion of tourism pursuant to any other law of this state**".

On motion of Representative Long, **House Amendment No. 1** was adopted.

On motion of Representative Long, **HCS HB 139, as amended**, was adopted.

On motion of Representative Long, **HCS HB 139, as amended**, was ordered perfected and printed.

#### **LETTERS OF OBJECTION**

Comes now the undersigned members of the Missouri House of Representatives, 90th General Assembly, pursuant to Rule 48, and to object to **HB 63** as a consent bill.

Dated: February 11, 1999

/s/ Charles Q. Troupe /s/ Don Lograsso

/s/ Bubs Hohulin /s/ Paula J. Carter

/s/ O. L. Shelton

Comes now the undersigned members of the Missouri House of Representatives, 90th General Assembly, pursuant to Rule 48, and to object to **HB 265** as a consent bill.

Dated: February 11, 1999

/s/ Brent Evans /s/ Don Summers

/s/ Charles Q. Troupe /s/ Jewell Patek

/s/ Lewis Ford

Comes now the undersigned members of the Missouri House of Representatives, 90th General Assembly, pursuant to Rule 48, and object to **HB 271** as a consent bill.

Dated: February 11, 1999

/s/ Charles Q. Troupe /s/ Emmy McClelland

/s/ Tim Van Zandt /s/ Cindy Ostmann

/s/ Paula J. Carter

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated pursuant to Rule 48:

**HB 63 - Rules, Joint Rules, and Bills Perfected and Printed**

**HB 265 - Rules, Joint Rules, and Bills Perfected and Printed**

**HB 271 - Rules, Joint Rules and Bills Perfected and Printed**

#### **REFERRAL OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was referred to the Committee indicated:

**HB 10 - Budget**

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 481 - Judiciary**

#### **COMMITTEE REPORTS**

Committee on Civil and Administrative Law, Chairman Smith reporting:

**Mr. Speaker:** Your Committee on Civil and Administrative Law, to which was referred HB 76, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Civil and Administrative Law, to which was referred HB 348, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Commerce, Chairman Rizzo reporting:

**Mr. Speaker:** Your Committee on Commerce, to which was referred HCR 9, begs leave to report it has examined the same and recommends that it Do Pass.

WHEREAS, the current financial crises in Asia, Russia and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries and a collapse in the domestic demand for steel in those countries; and

WHEREAS, these crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately has a detrimental effect on this state's economy; and

WHEREAS, there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby request the President of the United States to commence an immediate study to determine the entry into the customs territory of the United States of all steel products that are the products of, or are manufactured in, Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that we, the members of the Missouri Ninetieth General Assembly, First Regular Session, request the President of the United States to immediately impose a one-year ban on imports of all steel products that are the product of, or are manufactured in, Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products in the United States; and

BE IT FURTHER RESOLVED that we, the members of the Missouri Ninetieth General Assembly, First Regular Session, request the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States and to the members of the Missouri Congressional delegation.

Committee on Education - Higher, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred HB 321 and HB 493, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Fiscal Review, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred HB 369, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Judiciary, Chairman May reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred HB 274, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Municipal Corporations, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred HB 107, begs leave to report it has examined the same and recommends that it Do Pass.

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred HB 275, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Retirement, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred HB 65, begs leave to report it has examined the same and recommends that it Do Pass.

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 18, introduced by Representatives Williams (159) and Leake, relating to urging Congress to remove or restrict trade sanctions and to work to reduce or eliminate trade barriers and sanctions and the Secretary of the United States department of agriculture to provide greater opportunities to Missouri farmers through the export enhancement program.

#### INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 27, introduced by Representative Luetkenhaus, relating to elective state officers.

HJR 28, introduced by Representatives Franklin and Shields, relating to certain funds in the state treasury.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 853, introduced by Representative Seigfreid, relating to planning commissions of municipalities.

HB 854, introduced by Representative Surface, relating to disabled person license plates and placards.

HB 855, introduced by Representative Lakin, relating to excursion gambling boats.

HB 856, introduced by Representatives Ford, Auer, O'Toole, Hilgemann, Davis (63), Carter and Gambaro, relating to the St. Louis regional development commission.

HB 857, introduced by Representatives Monaco, Parker, Gambaro, Alter, Lakin, Akin and Linton, relating to property exempt from attachment.

HB 858, introduced by Representatives Williams (159), Britt, Merideth, Foley, Backer and Kreider, et al, relating to certificate of need.

HB 859, introduced by Representative Luetkenhaus, relating to vacancies in state or county offices.

HB 860, introduced by Representative Griesheimer, relating to certain fourth class cities.

HB 861, introduced by Representatives Griesheimer and Murray, relating to the distribution of state surplus property.

HB 862, introduced by Representatives Akin, Alter, Linton, et al, relating to gaming activities.

HB 863, introduced by Representatives Akin, Ostmann, Reid, Alter and Linton, et al, relating to income tax deduction.

HB 864, introduced by Representatives Akin, Ostmann, Reid, Alter and Linton, et al, relating to the corporate franchise tax.

HB 865, introduced by Representative Pryor, et al, relating to income taxation.

HB 866, introduced by Representative Treadway, relating to transaction brokers.

HB 867, introduced by Representative McKenna, relating to powers of the board of optometry.

HB 868, introduced by Representatives Graham (24) and Schilling, relating to funding for the housing trust fund.

HB 869, introduced by Representative Hollingsworth, relating to the powers of certain counties to license plumbers.



HB 870, introduced by Representative Ward, relating to public holidays.

HB 871, introduced by Representatives Kennedy, Kissell, Cierpiot, Ridgeway, Reynolds, Murray, Barry, Bonner, Ross, Akin, Auer, Luetkenhaus and Davis (63), et al, relating to tax relief.

HB 872, introduced by Representatives Hendrickson and Patek, relating to campaign finance disclosure.

HB 873, introduced by Representatives Hendrickson, Miller and Alter, et al, relating to adult establishments.

HB 874, introduced by Representatives Franklin and Shields, relating to certain funds in the state treasury.

HB 875, introduced by Representative Ridgeway, relating to stealing.

HB 876, introduced by Representatives Dolan and Naeger, relating to health insurance.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 7, entitled:

An act to repeal sections 208.530 and 208.535, RSMo 1994, and section 208.533, RSMo Supp. 1998, relating to the special health, psychological, and social needs of minority older individuals, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS SB 141, entitled:

An act to repeal section 516.105, RSMo 1994, relating to statutes of limitations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 211, entitled:

An act to repeal sections 402.199, 402.205, 402.210 and 402.217, RSMo 1994, and sections 402.200, 402.215, 473.657 and 475.093, RSMo Supp. 1998, relating to the Missouri family trust, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILL

February 11, 1999

Anne C. Walker, Chief Clerk  
Missouri House of Representatives  
Room 306C - Capitol Bldg.  
Jefferson City, MO 65101

Dear Ms. Walker:

I respectfully request that House Bill No. 805 be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Patrick A. Naeger

State Representative

District 155

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, February 15, 1999.

#### CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Twenty-First Day, Wednesday, February 10, 1999, pages 335 and 336, roll call, by showing Representative Burton voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Monday, February 15, 1999, 1:00 pm. Hearing Room 7. Executive session.

##### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 17, 1999. Hearing Room 9 upon adjournment. General Assembly.

##### APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 16, 1999. Hearing Room 6 upon adjournment.

Mark up for the Dept. of Mental Health.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 16, 1999. Hearing Room 8 upon adjournment. Subcommittee reports.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, February 17, 1999. Hearing Room 8 upon adjournment. Begin mark-up.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, February 18, 1999. Hearing Room 8 upon adjournment. Mark-up continued.

##### APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 15, 1999, 12:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 9, HB 11

##### APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 16, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

##### APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 17, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

#### **BUDGET**

Thursday, February 18, 1999, 9:00 am. Hearing Room 6. Presentation on the state of Missouri's Y2K computer preparedness.

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 17, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 398, HB 580, HB 788, Executive Session - HB 413,  
Executive Session - HB 473, Executive Session - HB 492

#### **COMMERCE**

Tuesday, February 16, 1999, 12:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 538, HB 765

#### **CONSUMER PROTECTION AND HOUSING**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 7. AMENDED NOTICE.

Possible executive session to follow.

To be considered - HB 127, HB 192, HB 277

#### **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 16, 1999. Side gallery upon adjournment.

To be considered - Executive Session - HB 589

#### **CRITICAL ISSUES**

Monday, February 15, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 362, HB 435, HB 620, HB 659

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 105, HB 212, HB 510, HB 564, HB 565, HB 689

#### **ELECTIONS**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 98, HB 198, HEC 2, Executive Session - HB 676

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Tuesday, February 16, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 326

#### **FISCAL REVIEW**

Tuesday, February 16, 1999, 8:30 am. Hearing Room 9. HB 153 Fiscal Note.

#### **FISCAL REVIEW**

Wednesday, February 17, 1999, 8:30 am. Hearing Room 7.

To be considered - HB 102, HJR 9, HJR 14

#### **INSURANCE**

Tuesday, February 16, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 397, HB 446, HB 599, HB 627, HB 645

#### **JUDICIARY**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 123, HB 140, HB 570, HB 168, HB 205, HB 453, HB 481

#### **LABOR**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 255, HB 769, Executive Session - HB 256

#### **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, February 16, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 43, HB 97, HB 156, HB 268, HB 352, HB 366, HB 407,  
HB 527, HB 703, HB 707

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 55, HB 74, HB 75, HB 247, HB 292, HB 482, HB 503, HB 772,  
Executive Session - HB 185, Executive Session - HB 315, Executive Session - HB 517,  
Executive Session - HB 772

#### **PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, February 17, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 175, HB 416, HB 583, HB 651, HB 697

#### **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, February 16, 1999, 8:30 am. Hearing Room 5. Executive session may follow.

To be considered - HB 422, HB 658, HB 661, HB 675, HB 724

#### **RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Tuesday, February 16, 1999, 1:00 pm. Hearing Room 9. Executive session.

To be considered - HB 63, HB 265, HB 271

#### **SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 632

#### **SUBCOMMITTEE ON APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Monday, February 15, 1999, 1:00 pm. Hearing Room 9.



**SUBCOMMITTEE ON LANDMARK PARKS**

Monday, February 15, 1999, 1:00 pm. Hearing Room 5.

Budget request for Land Mark Local Parks Program.

**URBAN AFFAIRS**

Tuesday, February 16, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 347, HB 449, HB 636

**WAYS AND MEANS**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 6. Executive session may follow.

To be considered - HB 115, HB 220, HB 234, HB 246, HB 295, HB 351, HB 365,  
HB 405, HB 421, HB 562, HB 643, HB 668, HB 669, HB 670, HB 710, HB 711, HB 731

**HOUSE CALENDAR**

**TWENTY-THIRD DAY, MONDAY, FEBRUARY 15, 1999**

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 18

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 27 and HJR 28

**HOUSE BILLS FOR SECOND READING**

HB 853 through HB 876

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 52 - Scheve

2 HB 541 - Kreider

3 HB 368 - Murray

4 HCS HB 60 - Relford

5 HCS HB 348 - Smith

6 HB 65 - O'Toole

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 450 - Relford

**HOUSE BILLS FOR PERFECTION - CONSENT**

(February 9, 1999)

1 HB 103 - Treadway

2 HB 530 - May (108)

3 HB 136 - Smith

**4 HB 252 - Dolan**

**(February 10, 1999)**

**5 HB 216 - Parker**

**6 HB 518 - Ross**

**(February 11, 1999)**

**7 HB 248 - Kissell**

**8 HB 165 - May (108)**

**9 HB 359 - Hosmer**

**10 HB 69 - Elliott**

**11 HB 358 - Hosmer**

**12 HB 183 - Pouche**

**(February 15, 1999)**

**13 HB 76 - Smith**

**14 HB 369 - Murray**

**15 HB 275 - May (108)**

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION & THIRD READING**

**1 HCR 9 - Bonner**

**2 HCR 4 - Seigfreid**

**HOUSE JOINT RESOLUTION FOR THIRD READING**

**HJR 5 - Barry**

**HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

**HCS HB 14 - Franklin**

**HOUSE BILLS FOR THIRD READING**

**1 HB 153, (Fiscal Review 2-9-99) - Leake**

**2 HB 323, (Fiscal Review 2-11-99) - Gratz**

**3 HB 338 - Koller**

**HOUSE BILLS FOR THIRD READING - CONSENT**

**1 HB 152 - Leake**

**2 HB 79 - Ransdall**

**3 HB 39 - Dougherty**

**4 HB 399 - Bray**

**5 HB 35 - Campbell**

**SENATE BILLS FOR SECOND READING**

**1 SB 7**

**2 SS SB 141**

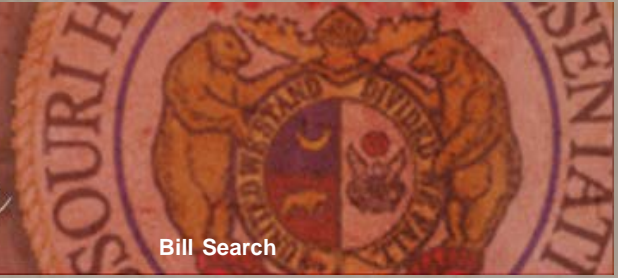
**3 SCS SB 211**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

TWENTY-THIRD DAY, Monday, February 15, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Carson Ross.

Our Father, who art in heaven, hallowed be thy precious name. It is with bowed heads and humble hearts we approach thy throne of grace and mercy. Thanking You for the many blessings that You bestow upon us each and everyday. Father, many times we take these blessings for granted. Forgive us, Lord, when we fail to thank You.

At this time we ask Your divine intervention on behalf of those with special needs today for You know who they are and what those needs are. I offer a special request on behalf of our colleague and my good friend, Representative Fletcher Daniels, as he goes into the hospital for tests tomorrow. Lord, take him into Your protective care, as only You can.

Bless our families back home in our absence and our travel to and from this place of public service for the people of Missouri.

I ask these and all blessings in the name of Your son, and our savior, Jesus Christ. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as a Honorary Page for the Day, to serve without compensation: Megan Milford.

The Journal of the twenty-second day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 259 - Representatives Gunn, Ross, Days and Boykins

House Resolution No. 260 - Representative Hollingsworth

House Resolution No. 261 - Representative Merideth

House Resolution No. 262 - Representative Crawford

House Resolution No. 263 - Representative Scott

House Resolution No. 264 - Representative Kissell



House Resolution No. 265 - Representative Seigfreid

House Resolution No. 266 - Representatives Miller and Bartelsmeyer

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 18** was read the second time.

#### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 27** and **HJR 28** were read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 853** through **HB 876** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 7**, **SS SB 141**, and **SCS SB 211** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 14**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 35**, **HB 79**, **HB 152**, **HB 39** and **HB 399**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 323**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 338**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 338** - Fiscal Review (Fiscal Note)

#### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 152**, relating to sustainable agricultural demonstration, was taken up by Representative Leake.

On motion of Representative Leake, **HB 152** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Ransdall Reid Reinhart Relford Reynolds  
Rizzo Robirds Ross Sallee Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright

NOES: 002

Hohulin Howerton

PRESENT: 000

ABSENT WITH LEAVE: 009

Boykins Hegeman Myers Purgason Richardson

Ridgeway Scheve Secrest Mr. Speaker

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**HB 79**, relating to animal fighting, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **HB 79** was read the third time and passed by the following vote:

AYES: 117

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Boatright Bonner Boucher Britt

Burton Campbell Carter Cierpiot Clayton

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Dolan Dougherty Elliott Evans

Farnen Fitzwater Foley Ford Foster

Franklin Froelker Gambaro George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

Merideth Monaco Murray Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Ransdall

Reid Relford Reynolds Rizzo Ross

Schilling Schwab Scott Seigfreid Shelton

Shields Skaggs Smith Stokan Surface

Thompson 72 Townley Treadway Tudor Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 036

Bartle Berkstresser Black Blunt Bray 84

Champion Chrismer Cooper Days Enz

Fraser Gaskill Hanaway Harlan Hartzler 123  
Hartzler 124 Hendrickson Hilgemann Kasten Liese  
Luetkemeyer McLuckie Miller Murphy Ostmann  
Patek Pouche Pryor Reinhart Robirds  
Sallee Selby Summers Troupe Van Zandt  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Boykins Hegeman Myers Purgason Richardson  
Ridgeway Scheve Secrest Thompson 37

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Mays (50) moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HB 39**, relating to inspections for lead hazards, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **HB 39** was read the third time and passed by the following vote:

AYES: 143

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Bonner  
Boucher Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Cooper Crawford Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hendrickson Hickey Hilgemann Holand



Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pryor Ransdall Reid  
Reinhart Relford Reynolds Rizzo Robirds  
Ross Sallee Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright

NOES: 009

Blunt Boatright Hartzler 124 Hohulin Lograsso  
Marble Patek Pouche Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Boykins Crump Hegeman Myers Purgason  
Richardson Ridgeway Scheve Secrest Mr. Speaker

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Thompson (72) moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HB 399**, relating to consumers use tax, was taken up by Representative Bray.

On motion of Representative Bray, **HB 399** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Rizzo Robirds Ross  
Sallee Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Boykins Dolan Hegeman Myers Richardson

Ridgeway Scheve Secrest Mr. Speaker

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**HB 35**, relating to Kansas City convention and tourism tax, was taken up by Representative Campbell.

On motion of Representative Campbell, **HB 35** was read the third time and passed by the following vote:

AYES: 142

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Boatright Bonner Boucher

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dougherty Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Luetkemeyer Luetkenhaus May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Rizzo Robirds

Ross Sallee Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson

NOES: 010

Akin Bartle Blunt Elliott Hohulin

Loudon Marble Murphy Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Boykins Bray 84 Dolan Hegeman Myers

Richardson Ridgeway Scheve Secrest Mr. Speaker

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

### **THIRD READING OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 14, relating to appropriations, was taken up by Representative Franklin.**

**On motion of Representative Franklin, HCS HB 14 was read the third time and passed by the following vote:**

**AYES: 145**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartle Bennett**

**Berkowitz Berkstresser Black Blunt Boatright**

**Bonner Boucher Bray 84 Britt Burton**

**Campbell Carter Champion Chrismer Cierpiot**

**Clayton Cooper Crawford Crump Daniel 42**

**Daniels 41 Davis 122 Davis 63 Days Dougherty**

**Elliott Enz Evans Farnen Fitzwater**

**Foley Ford Foster Franklin Fraser**

**Froelker Gambaro Gaskill George Gibbons**

**Graham 106 Graham 24 Gratz Green Griesheimer**



Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McLuckie Merideth Miller Monaco  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Purgason  
Ransdall Reid Relford Reynolds Rizzo  
Robirds Ross Sallee Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

NOES: 005

Bartelsmeyer Hohulin Loudon Patek Pryor

PRESENT: 000

ABSENT WITH LEAVE: 012

Boykins Dolan Hegeman McKenna Murphy  
Myers Reinhart Richardson Ridgeway Scheve  
Secrest Mr. Speaker

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

#### THIRD READING OF HOUSE JOINT RESOLUTION

HJR 5, relating to school district bond elections, was taken up by Representative Barry.

On motion of Representative Barry, HJR 5 was read the third time and passed by the following vote:

**AYES: 097**

Abel Auer Backer Barry 100 Berkowitz  
Black Bonner Boucher Bray 84 Britt  
Campbell Carter Clayton Cooper Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Enz Farnen Fitzwater  
Foley Ford Franklin Fraser Gambaro  
George Graham 24 Gratz Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hartzler 124 Hendrickson  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Kelley 47 Kelly 27 Kennedy King Kissell  
Koller Kreider Lakin Lawson Leake  
Liese Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Monaco  
Murray O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Ransdall Relford Reynolds  
Rizzo Ross Schilling Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Thompson 37 Thompson 72 Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson

**NOES: 057**

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Blunt Boatright  
Burton Champion Chrismer Cierpiot Crawford  
Elliott Evans Foster Froelker Gaskill  
Gibbons Graham 106 Green Griesheimer Gross  
Hanaway Hohulin Holand Howerton Kasten  
Klindt Legan Levin Linton Lograsso  
Long Loudon Luetkemeyer Marble Miller  
Murphy Naeger Nordwald Pouche Pryor  
Purgason Reid Reinhart Robirds Sallee  
Schwab Scott Summers Surface Townley  
Vogel Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 008**

**Boykins Hegeman Myers Richardson Ridgeway**

**Scheve Secrest Mr. Speaker**

**VACANCIES: 001**

**Speaker Pro Tem Kreider declared the bill passed.**

**On motion of Representative Backer, title to the bill was agreed to.**

**Representative Carter moved that the vote by which the bill passed be reconsidered.**

**Representative Farnen moved that motion lay on the table.**

**The latter motion prevailed.**

**Representative Smith assumed the Chair.**

#### **PERFECTION OF HOUSE BILL - INFORMAL CALENDAR**

**HB 450, relating to water pollution control bonds, was taken up by Representative Relford.**

**Representative Relford offered HS HB 450.**

**On motion of Representative Relford, HS HB 450 was adopted.**

**On motion of Representative Relford, HS HB 450 was ordered perfected and printed.**

#### **PERFECTION OF HOUSE BILLS**

**HCS HB 52, relating to home improvement loans, was placed on the informal calendar.**

**HB 541, relating to southern dairy compact, was taken up by Representative Kreider.**

**On motion of Representative Kreider, HB 541 was ordered perfected and printed.**

**HB 368, relating to state employee salaries, was taken up by Representative Murray.**

**On motion of Representative Murray, HB 368 was ordered perfected and printed.**

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

**The following House Joint Resolutions were referred to the Committee indicated:**

**HJR 21 - Fiscal Review**

**HJR 22 - Ways and Means**

**HJR 23 - Ways and Means**

**HJR 24 - Elections**

**HJR 26 - State Parks, Natural Resources and Mining**

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

HB 789 - Governmental Organization and Review  
HB 790 - Utilities Regulation  
HB 791 - State Parks, Natural Resources and Mining  
HB 792 - Public Safety and Law Enforcement  
HB 793 - Miscellaneous Bills and Resolutions  
HB 795 - Local Government and Related Matters  
HB 797 - Environment and Energy  
HB 798 - Criminal Law  
HB 799 - Motor Vehicle and Traffic Regulations  
HB 800 - State Parks, Natural Resources and Mining  
HB 801 - Commerce  
HB 802 - Motor Vehicle and Traffic Regulations  
HB 803 - Education - Elementary and Secondary  
HB 842 - Judiciary  
HB 870 - Governmental Organization and Review

## **INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were offered and read the first time:

HCR 19, introduced by Representative Williams (121), relating to the "Share the Harvest" program.

HCR 20, introduced by Representative Thompson (37), relating to Sonny Gibson, author of the Kansas City history known as Mecca of the New Negro.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

HB 877, introduced by Representatives Bennett, Loudon and Myers, et al, relating to campaign expenditures.  
HB 878, introduced by Representatives Hosmer and Kissell, relating to peace officer standards and training.  
HB 879, introduced by Representative Summers, relating to powers of the gaming commission.  
HB 880, introduced by Representative Summers, relating to local sales taxes.  
HB 881, introduced by Representative Scott, relating to income taxation.  
HB 882, introduced by Representatives Schilling and McLuckie, relating to retail energy customer and worker protection.  
HB 883, introduced by Representatives Cierpiot and Howerton, et al, relating to merchandising practices of sweepstakes promoters.  
HB 884, introduced by Representative Kennedy, relating to the department of labor and industrial relations.  
HB 885, introduced by Representatives Campbell and Monaco, et al, relating to orders of protection.  
HB 886, introduced by Representatives Campbell and Monaco, relating to orders of protection.



HB 887, introduced by Representative Ward, relating to tax credits for child care.

HB 888, introduced by Representatives Leake, Gaw, Wiggins, Crump, Hampton, Kelly (27), Williams (159), Kreider, Backer, Selby and Merideth, et al, relating to the Missouri agricultural and small business development authority.

HB 889, introduced by Representatives Gaw, Fitzwater, Days, Smith, Campbell, Boucher, Williams (159), Ransdall, Carter and Relford, et al, relating to increasing the reading levels of younger children.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 12, entitled:

An act to amend chapter 209, RSMo, relating to aid to the blind, by adding thereto one new section relating to guide dog trainers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 15, entitled:

An act to repeal section 650.005, RSMo Supp. 1998, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 110, entitled:

An act to repeal section 287.210, RSMo Supp. 1998, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 153, entitled:

An act to repeal section 70.322, RSMo 1994, relating to contracting with road districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 214, entitled:

An act to repeal section 79.280, RSMo 1994, relating to certain fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 216, entitled:

An act to repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 220, entitled:

An act to repeal section 50.660, RSMo Supp. 1998, relating to county bid requirements, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 225, entitled:

An act to repeal section 334.655, RSMo Supp. 1998, relating to physical therapist assistants, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILLS

February 15, 1999

The Honorable Steve Gaw

Speaker of the House

Missouri House of Representatives

Jefferson City, Missouri 65101

Dear Mr. Speaker:

I respectfully request that House Bill 527 be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ John E. Griesheimer

State Representative

District 109

February 15, 1999

Anne Walker, Chief Clerk

Missouri House of Representatives

Room 307

Missouri State Capitol

Jefferson City, Missouri 65101

Dear Ms. Walker:

I respectfully request to withdraw House Bill 435 due to the fact that House Bill 659 relates to the same subject.

Thank you for your assistance.

Sincerely,

/s/ David L. Levin

State Representative

82nd District

The following member's presence was noted: Boykins.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, February 16, 1999.

#### CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Twenty-Second Day, Thursday, February 11, 1999, pages 353 and 354, roll call, by showing Representative Foster voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### ACCOUNTS, OPERATIONS, AND FINANCE

Tuesday, February 16, 1999. Hearing Rooms 3 and 4 upon morning adjournment.

##### APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 17, 1999. Hearing Room 9 upon adjournment. General Assembly.

##### APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 16, 1999. Hearing Room 6 upon adjournment. Mark up for the Dept. of Mental Health.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 16, 1999. Hearing Room 8 upon adjournment. Begin mark-up. Subcommittee reports. AMENDED NOTICE.

##### APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, February 17, 1999. Hearing Room 8 upon adjournment. Continue mark-up. Subcommittee reports. AMENDED NOTICE.

**APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Thursday, February 18, 1999. Hearing Room 8 upon adjournment. Continue mark-up. Dept. of Labor and Industrial Relations. AMENDED NOTICE.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 16, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 17, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

**BUDGET**

Thursday, February 18, 1999, 9:00 am. Hearing Room 6. Presentation on the state of Missouri's Y2K computer preparedness.

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 17, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 398, HB 580, HB 788, Executive Session - HB 413,

Executive Session - HB 473, Executive Session - HB 492

**COMMERCE**

Tuesday, February 16, 1999, 12:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 538, HB 765

**CONSUMER PROTECTION AND HOUSING**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 7. AMENDED NOTICE.

Possible executive session to follow.

To be considered - HB 127, HB 192, HB 277

**CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 16, 1999. Side gallery upon adjournment.

To be considered - Executive Session - HB 589

**CRIMINAL LAW**

Wednesday, February 17, 1999, 8:00 pm. Hearing Room 9. Executive session may follow. AMENDED NOTICE.

To be considered - HB 36, HB 62, HB 73, HB 77, HB 257, HB 283, HB 286, HB 325, HB 342, HB 579, HB 619

**EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 105, HB 212, HB 510, HB 564, HB 565, HB 689



#### **EDUCATION - HIGHER**

Wednesday, February 17, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 442, HB 523, HB 749, HB 750, HB 778, Executive Session - HB 230, Executive Session - HB 640

#### **ELECTIONS**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 98, HB 198, HEC 2, Executive Session - HB 676

#### **ENVIRONMENT AND ENERGY**

Thursday, February 18, 1999, 8:30 am. Hearing Room 9. Executive session to follow.

To be considered - HB 70, HB 484, HB 566, HB 597, HB 787

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Tuesday, February 16, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 326

#### **FISCAL REVIEW**

Tuesday, February 16, 1999, 8:30 am. Hearing Room 9. HB 153 Fiscal Note.

#### **FISCAL REVIEW**

Wednesday, February 17, 1999, 8:30 am. Hearing Room 7. AMENDED NOTICE.

Executive session.

To be considered - HB 102, HB 323, HB 338, HJR 9, HJR 14

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 17, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 44, HB 528, HB 590, HB 764, HB 767, HB 870

#### **INSURANCE**

Tuesday, February 16, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 397, HB 446, HB 599, HB 627, HB 645

#### **JUDICIARY**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 123, HB 140, HB 168, HB 205, HB 453, HB 481, HB 570, HB 842

#### **LABOR**

Tuesday, February 16, 1999, 8:00 pm. Hearing Room 6. AMENDED NOTICE.

To be considered - HB 769, Executive Session - HB 256

#### **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, February 16, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 43, HB 97, HB 156, HB 268, HB 352, HB 366, HB 407,

**HB 527, HB 703, HB 707**

**MISCELLANEOUS BILLS AND RESOLUTIONS**

**Wednesday, February 17, 1999, 8:30 am. Hearing Room 9. Executive session may follow.**

**To be considered - HB 793**

**MOTOR VEHICLE AND TRAFFIC REGULATIONS**

**Tuesday, February 16, 1999, 3:00 pm. Hearing Room 7.**

**To be considered - HB 55, HB 74, HB 75, HB 247, HB 292, HB 482, HB 503,  
HB 772, Executive Session - HB 185, Executive Session - HB 315, Executive  
Session - HB 517, Executive Session - HB 772**

**MUNICIPAL CORPORATIONS**

**Wednesday, February 17, 1999, 3:00 pm. Hearing Room 7.**

**To be considered - HB 261, HB 686**

**PROFESSIONAL REGISTRATION & LICENSING**

**Wednesday, February 17, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE.**

**To be considered - HB 175, HB 583, HB 651, HB 697, HB 777, HB 786**

**PUBLIC HEALTH**

**Tuesday, February 16, 1999, 3:00 pm. Hearing Room 9. Possible executive  
session on HB 204 and HB 94. CORRECTED NOTICE.**

**To be considered - HB 278, HB 296, HB 409, HB 454, HB 607**

**PUBLIC SAFETY AND LAW ENFORCEMENT**

**Tuesday, February 16, 1999, 8:30 am. Hearing Room 5. Executive session may follow.**

**To be considered - HB 422, HB 658, HB 661, HB 675, HB 724**

**RETIREMENT**

**Wednesday, February 17, 1999, 8:00 pm. Hearing Room 7. Executive session will follow.**

**To be considered - HB 226, HB 419, HB 432, HB 464, HB 736**

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

**Tuesday, February 16, 1999, 1:00 pm. Hearing Room 9. Executive session.**

**To be considered - HB 63, HB 265, HB 271**

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

**Tuesday, February 16, 1999, 8:00 pm. Hearing Room 5. Executive session may follow.**

**To be considered - HB 632**

**URBAN AFFAIRS**

**Tuesday, February 16, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.**

To be considered - HB 347, HB 449, HB 636

#### **WAYS AND MEANS**

Tuesday, February 16, 1999, 3:00 pm. Hearing Room 6. Executive session may follow.

To be considered - HB 115, HB 220, HB 234, HB 246, HB 295, HB 351, HB 365, HB 405, HB 421, HB 562, HB 643, HB 668, HB 669, HB 670, HB 710, HB 711, HB 731

#### **WORKERS COMPENSATION AND EMPLOYMENT SECURITY**

Tuesday, February 16, 1999. Side gallery upon adjournment. Executive session.

To be considered - HB 162

#### **HOUSE CALENDAR**

**TWENTY-FOURTH DAY, TUESDAY, FEBRUARY 16, 1999**

#### **HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 19 and HCR 20

#### **HOUSE BILLS FOR SECOND READING**

HB 877 through HB 889

#### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 60 - O'Connor

2 HCS HB 348 - Smith

3 HB 65 - O'Toole

4 HB 107 - Days

5 HCS HB 321 & 493 - Farnen

6 HCS HB 26 & 117 - Kreider

7 HCS HB 274 - May (108)

#### **HOUSE BILL FOR PERFECTION - INFORMAL**

HCS HB 52 - Scheve

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(February 9, 1999)

1 HB 103 - Treadway

2 HB 530 - May (108)

3 HB 136 - Smith

4 HB 252 - Dolan

(February 10 1999)

5 HB 216 - Parker

**6 HB 518 - Ross**

**(February 11, 1999)**

**7 HB 248 - Kissell**

**8 HB 165 - May (108)**

**9 HB 359 - Hosmer**

**10 HB 69 - Elliott**

**11 HB 358 - Hosmer**

**12 HB 183 - Pouche**

**(February 15, 1999)**

**13 HB 76 - Smith**

**14 HB 369 - Murray**

**15 HB 275 - May (108)**

**HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

**HCR 9 - Bonner**

**HCR 4 - Seigfreid**

**HOUSE BILLS FOR THIRD READING**

**1 HB 153, (Fiscal Review 2-9-99) - Leake**

**2 HB 323, (Fiscal Review 2-11-99) - Gratz**

**3 HB 338, (Fiscal Review 2-15-99) - Koller**

**4 HS HCS HB 618 - Harlan**

**5 HB 318 - Leake**

**6 HCS HB 524 - Ransdall**

**7 HCS HB 139, E.C. - Long**

**SENATE BILLS FOR SECOND READING**

**1 SB 12**

**2 SB 15**

**3 SB 110**

**4 SB 153**

**5 SB 214**

**6 SB 216**

**7 SB 220**

**8 SCS SB 225**

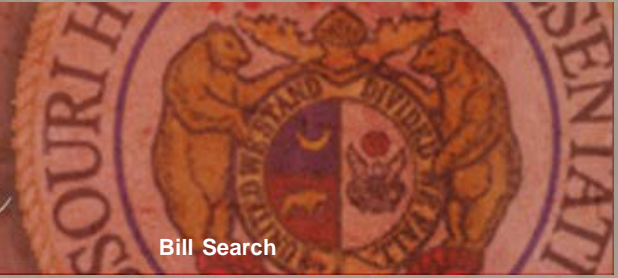


**Missouri House of Representatives**



# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

TWENTY-FOURTH DAY, Tuesday, February 16, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Ralph Robinett, Sergeant at Arms.

Dear Heavenly Father, You show us again today how our world is always changing. Yesterday we were blessed with a beautiful, sunshine-filled, Winter day, today we have a cool and damp day. Let us not forget that You are the constant in our lives and world, never changing, always there providing for us, protecting us, guiding us, blessing us and graciously forgiving us. Thank You for being the solid rock in our lives and world. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Darren Sudduth, Ryan May, Emily Shelton, Meagan Fleming, Kiara Green, Ashley Common, Morgan McCafferty, Joshua Cullom, Brandon Clark, Preston Nolan Wright, Jacquelyn Wright and Savannah Wright.

The Journal of the twenty-third day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 267 and House Resolution No. 268 - Representative Seigfreid

House Resolution No. 269 through House Resolution No. 272 - Representative Williams (159)

### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 19** and **HCR 20** were read the second time.

### SECOND READING OF HOUSE BILLS

**HB 877** through **HB 889** were read the second time.

### SECOND READING OF SENATE BILLS

SB 12, SB 15, SB 110, SB 153, SB 214, SB 216, SB 220 and SCS SB 225 were read the second time.

#### COMMITTEE REPORTS

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HCS HB 139, HS HCS HB 618, HCS HB 524 and HB 318, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HB 63, HB 265 and HB 271 begs leave to report it has examined the same and pursuant to Rule 48 concurs in the reports of the committees of origin to place said bills on the House Consent Calendar for Third Reading and Final Passage.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTIONS

HCR 9, relating to steel imports, was taken up by Representative Bonner.

On motion of Representative Bonner, HCR 9 was adopted.

HCR 4, relating to state employee compensation, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, HCR 4 was adopted.

#### PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 52, relating to home improvement loans, was taken up by Representative Scheve.

Representative Scheve offered House Amendment No. 1.

##### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 52, Page 1, Section 1, Line 17 by inserting before all of said line, the words "purpose"; and

Further amend House Committee Substitute for House Bill No. 52, Page 2, Section 2, Line 4 by striking the word "where" and inserting in lieu thereof the words "during which".

On motion of Representative Scheve, House Amendment No. 1 was adopted.

Representative Scheve offered House Amendment No. 2.

##### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 52, Page 2, Section 2, Lines 7-9 by striking all of said lines and inserting in lieu thereof the following:

"(2) When the transaction violates federal consumer credit protection laws and federal Trade Commission regulations that prohibit:

(a) the extension of mortgage credit secured by the consumer's dwelling without regard for the consumer's

repayment ability;

(b) payment under a home improvement contract from amounts extended as credit under a mortgage except:

- a. in the form of an instrument that is payable to the consumer or jointly to the consumer and the contractor; or
- b. at the election of the consumer, by a third party escrow agent in the form of a written agreement signed by the consumer, creditor, and contractor before the date of payment; and

(c) the sale or assignment of certain mortgages without furnishing a notice stating that the mortgage is subject to special rules under the federal Truth in Lending Act."

On motion of Representative Scheve, House Amendment No. 2 was adopted.

On motion of Representative Scheve, HCS HB 52, as amended, was adopted.

On motion of Representative Scheve, HCS HB 52, as amended, was ordered perfected and printed.

#### PERFECTION OF HOUSE BILLS

HCS HB 60, relating to military license plates, was taken up by Representative O'Connor.

Representative Dougherty offered House Amendment No. 1.

##### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 60, Page 3, Section 301.145, Lines 3 to 4, by deleting the phrase "a commercial [vehicles weighing over] vehicle licensed in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor [vehicles weighing over twelve] vehicle licensed in excess of eighteen "; and

Further amend said bill, Page 3, Section 301.441, Lines 5 to 6, by deleting the phrase "a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve] in excess of eighteen"; and

Further amend said bill, Page 4, Section 301.443, Line 10, by deleting the phrase "a commercial motor vehicle licensed in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [twelve] eighteen"; and

Further amend said bill, Page 6, Section 301.445, Lines 4 to 6, by deleting the phrase "a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds up through and including] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds up through and including twelve] in excess of eighteen"; and

Further amend said bill, Page 6, Section 301.447, Line 5, by deleting the phrase "a commercial vehicle licensed in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial vehicle licensed in excess of eighteen"; and

Further amend said bill, Page 7, Section 301.448, Lines 8 to 9, by deleting the phrase "a commercial motor [vehicles] vehicle licensed [for a gross weight of six thousand pounds up through and including] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor [vehicles] vehicle licensed [for a gross weight of six thousand pounds up through and including twelve] in excess of eighteen"; and

Further amend said bill, Page 8, Section 301.451, Lines 3 to 4, by deleting the phrase "a commercial [vehicles weighing over] vehicle licensed in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial [vehicles weighing over twelve] motor vehicle licensed in excess of eighteen"; and

Further amend said bill, Page 9, Section 301.456, Lines 5 to 6, by deleting the phrase "a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve] in excess of eighteen"; and

Further amend said bill, Page 10, Section 301.457, Lines 5 to 7, by deleting the phrase "a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve] in excess of eighteen"; and



Further amend said bill, Page 10, Section 301.464, Lines 5 to 6, by deleting the phrase "a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve] in excess of eighteen"; and

Further amend said bill, Page 11, Section 301.465, Lines 5 to 6, by deleting the phrase "a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to] in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve] in excess of eighteen"; and

Further amend said bill, Page 12, Section 1, Lines 3 to 4, by deleting the phrase "a commercial motor vehicle licensed in excess of twelve" and inserting in lieu thereof the following: "an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen".

On motion of Representative Dougherty, House Amendment No. 1 was adopted.

Representative Ransdall offered House Amendment No. 2.

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 60, Page 13, Section 2, after Line 5, by inserting after all of said line the following:

Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any vehicle the person owns, either solely or jointly, other than a commercial motor vehicle licensed in excess of twelve thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. A fee for the issuance of personalized license plates issued pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Ransdall, House Amendment No. 2 was adopted.

Representative Surface offered House Amendment No. 3.

#### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 60, Page 1, In the Title, Line 4, by deleting the number "fourteen" and inserting in lieu thereof the following: "fifteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the number "fourteen" and inserting in lieu thereof the following: "fifteen"; and

Further amend said bill, Page 2, Section A, Line 4, by deleting the phrase "1 and 2," and inserting in lieu thereof the following: "1, 2 and 3,"; and

Further amend said bill, Page 13, Section 2, Line 5, by inserting as the next line after all of said line the following:

"Section 3. 1. Any person may receive license plates as prescribed in this section, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, RSMo, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twelve thousand pounds as provided in section 301.057, RSMo, after an annual payment of an emblem-use authorization fee to the Elks Lodge. The Elks Lodge hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Elks Lodge derived from this section, except reasonable



administrative costs, shall be used solely for the purposes of the Elks Lodge. Any member of the Elks Lodge may annually apply for the use of the emblem.

2. Upon annual application and payment of a thirty-five-dollar emblem-use contribution to the Elks Lodge, the Elks Lodge shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Elks Lodge. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

3. A vehicle owner, who was previously issued a plate with the Elks Lodge emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Elks Lodge emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.".

Representative Surface moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 058

Abel Akin Ballard Barnett Barry 100

Bartelsmeyer Bennett Berkstresser Boatright Burton

Carter Champion Chrismer Crawford Crump

Elliott Enz Evans Foster Froelker

Gibbons Griesheimer Gross Hanaway Hartzler 123

Hartzler 124 Hendrickson Hohulin Holand Howerton

King Klindt Legan Levin Linton

Long Loudon Luetkemeyer Marble Merideth

Miller Myers Naeger Nordwald Ostmann

Patek Pouche Pryor Purgason Reinhart

Reynolds Robirds Sallee Scott Shields

Summers Surface Vogel

NOES: 095

Alter Auer Backer Bartle Berkowitz

Black Blunt Bonner Boucher Bray 84

Britt Campbell Cierpiot Cooper Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Fitzwater Foley Ford Franklin Fraser

Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Gunn Hagan-Harrell Hampton

Hickey Hilgemann Hollingsworth Hoppe Hosmer

Kasten Kelly 27 Kennedy Kissell Kreider

Lakin Lawson Leake Liese Lograsso

Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Monaco Murphy Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Reid Relford Richardson Ridgeway Rizzo  
Ross Scheve Schilling Schwab Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

**PRESENT: 002**

Boykins Farnen

**ABSENT WITH LEAVE: 007**

Clayton Daniels 41 Harlan Hegeman Kelley 47  
Koller Secrest

**VACANCIES: 001**

Representative Backer, having voted on the prevailing side, moved that the vote by which House Amendment No. 2 was adopted, be reconsidered.

Which motion was adopted by the following vote:

**AYES: 138**

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Bonner Boucher Boykins  
Bray 84 Britt Campbell Carter Champion  
Chrismer Cierpiot Cooper Crawford Crump  
Daniel 42 Davis 122 Davis 63 Days Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Foster Franklin Fraser Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Ross  
Sallee Scheve Schilling Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 017

Akin Bartle Blunt Boatright Burton  
Dolan Froelker Griesheimer Hohulin Long  
Murphy Nordwald Patek Pouche Robirds  
Schwab Surface

PRESENT: 000

ABSENT WITH LEAVE: 007

Clayton Daniels 41 Ford Harlan Hegeman  
Koller Secrest

VACANCIES: 001

House Amendment No. 2 was withdrawn.

Representative Ransdall offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 60, Page 13, Section 2, after Line 5, by inserting after all of said line the following:

Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any vehicle the person owns, either solely or jointly, other than a commercial motor vehicle licensed in excess of twelve thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. A fee for the issuance of personalized license plates issued pursuant to section 301.144, RSMo, shall [not] be required for plates issued pursuant to this section.

There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Ransdall, House Amendment No. 2 was adopted.

Representative Graham (24) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 60, Page 13, Section 2, Line 5, by inserting after said line the following:

Section 1. Any person who served in the military operation known as desert storm or desert shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for special motor vehicle license plates, either solely or jointly, for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055, RSMo, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, RSMo, whether such vehicle is owned solely or jointly. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in desert storm or desert shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, RSMo, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME-STATE". Such plates shall also bear an image of the southwest Asia service medal awarded for service in desert storm or desert shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.; and

Further amend the title and enacting clause accordingly.

On motion of Representative Graham (24), House Amendment No. 4 was adopted.

Representative Patek offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 60, Page 1, In the Title, Line 2, by inserting the phrase "and both versions of section 301.144, as they appear in RSMo Supp. 1998," immediately after the number "1998,;" and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "fourteen" and inserting in lieu thereof the following: "fifteen"; and Further amend said bill, Page 1, Section A, Line 2, by inserting the phrase "and both versions of section 301.144, as they appear in RSMo Supp. 1998," immediately after the number "1998,;" and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "fourteen" and inserting in lieu thereof the following: "fifteen"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting the number "301.144," immediately after the number "301.129,;" and

Further amend said bill, Page 3, Section 301.129, Line 54, by inserting as the next line after all of said line the following:

"301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as



prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle other than a commercial motor vehicle licensed for more than twelve thousand pounds shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. No rule or [regulation promulgated pursuant to this section shall become effective until approved by the joint committee on administrative rules] portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. No two owners shall be issued identical plates. An owner shall make a new application [and pay a new fee] each year he or she desires to obtain [or retain] special personalized license plates, but shall not be required to pay a new fee each year in addition to the regular registration fees if he or she desires to retain special license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years [without any] with an additional charge of fifteen dollars, above the [fee established in this section] regular registration fees, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, inflammatory or contrary to public policy. The director may recall any personalized license plates, including those issued prior to August 28, 1992, if [he] the director determines that the plates are obscene, profane, inflammatory or contrary to public policy. Where the director recalls such plates [under] pursuant to the provisions of this subsection, [he] the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established [under] pursuant to this section. Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

3. The director may also establish categories of specialized personalized license plates from which license plates may be issued. Any such person that desires a special personalized license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other special personalized license plates are issued.

4. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, special personalized license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant. The application shall be accompanied by an affidavit stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant.

5. Notwithstanding any other provision to the contrary, any business listed in subsection 1 of section 301.570 that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the fees presently required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the motor vehicle or trailer.

Representative Patek moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 057

Akin Alter Ballard Barnett Bennett

Berkstresser Boatright Burton Chrismer Crawford

Dolan Elliott Enz Evans Foster

Froelker Gaskill Gibbons Graham 106 Griesheimer

Hanaway Hartzler 123 Hartzler 124 Hendrickson Hohulin

Holand Howerton Kelley 47 Klindt Levin

Linton Lograsso Long Loudon Luetkemeyer

Marble Miller Myers Naeger Nordwald

Ostmann Parker Patek Pryor Purgason

Reinhart Richardson Robirds Sallee Schwab

Scott Seigfreid Shields Summers Surface

Vogel Wright

NOES: 094

Abel Auer Backer Barry 100 Bartle

Berkowitz Black Blunt Bonner Boucher

Boykins Bray 84 Britt Campbell Carter

Champion Cierpiot Cooper Crump Davis 122

Davis 63 Days Dougherty Farnen Fitzwater

Foley Franklin Fraser Gambaro George

Graham 24 Gratz Green Gross Gunn

Hagan-Harrell Hampton Harlan Hickey Hilgemann

Hollingsworth Hoppe Hosmer Kasten Kelly 27

Kennedy King Kissell Kreider Lakin

Lawson Legan Liese Luetkenhaus May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Monaco Murphy Murray O'Connor

O'Toole Overschmidt Pouche Ransdall Reid

Relford Reynolds Ridgeway Rizzo Ross

Scheve Schilling Selby Shelton Skaggs

Smith Stokan Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Wagner Ward

Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartelsmeyer Clayton Daniel 42 Daniels 41 Ford

Hegeman Koller Leake Secrest Thompson 37

Wiggins

VACANCIES: 001

Representative Farnen offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 60, Page 9, Section 301.451, Line 13 through 15, by deleting all of said lines and inserting in lieu thereof the following:

"license plates [issued equal to the fee charged for personalized license plates] but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] A"

Representative Farnen moved that House Amendment No. 6 be adopted.

Which motion was defeated.

On motion of Representative O'Connor, HCS HB 60, as amended, was adopted.

On motion of Representative O'Connor, HCS HB 60, as amended, was ordered perfected and printed.

HCS HB 348, relating to juvenile sex offender registration, was taken up by Representative Smith.

Representative Patek offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 348, Page 2, Section 211.425, Line 50, by inserting after all of said line the following:

"7. The juvenile office shall report each juvenile registered pursuant to this section to such juvenile's school district, as provided in section 167.115, RSMo.".

On motion of Representative Patek, House Amendment No. 1 was adopted by the following vote:

AYES: 136

Abel Akin Alter Auer Backer

Ballard Barnett Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Boucher

Boykins Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Davis 122 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Foster Franklin Fraser

Froelker Gambaro Gaskill Gibbons Graham 106

Graham 24 Gratz Griesheimer Gross Gunn

Hampton Hanaway Hartzler 123 Hartzler 124 Hendrickson

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Scheve Schwab Scott  
Seigfreid Selby Shelton Shields Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Vogel Wagner  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 013

Barry 100 Bonner Bray 84 Davis 63 George  
Green Hagan-Harrell Hickey Hilgemann McLuckie  
Schilling Skaggs Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 013

Bartelsmeyer Daniel 42 Daniels 41 Ford Harlan  
Hegeman Koller Luetkenhaus O'Connor Sallee  
Secrest Thompson 37 Ward

VACANCIES: 001

On motion of Representative Smith, HCS HB 348, as amended, was adopted.

On motion of Representative Smith, HCS HB 348, as amended, was ordered perfected and printed.

HB 65, relating to St. Louis police retirement, was taken up by Representative O'Toole.

On motion of Representative O'Toole, HB 65 was ordered perfected and printed.

#### LETTER OF OBJECTION

February 16, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Anne:



Come now the undersigned of the Missouri House of Representatives, 90th General Assembly, pursuant to House Rule 48(b) and object to HB 252 as a consent bill.

/s/ Gracia Y. Backer

/s/ Ken Legan

/s/ T. Mark Elliott

/s/ James Foley

/s/ Paula Carter

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated pursuant to Rule 48:

**HB 252 - Rules, Joint Rules and Bills Perfected and Printed**

#### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 66 - Miscellaneous Bills and Resolutions**

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 698 - Motor Vehicle and Traffic Regulations**

**HB 706 - Local Government and Related Matters**

**HB 806 - Criminal Law**

**HB 807 - Motor Vehicle and Traffic Regulations**

**HB 808 - Tourism, Recreation and Cultural Affairs**

**HB 809 - Education - Elementary and Secondary**

**HB 810 - Miscellaneous Bills and Resolutions**

**HB 811 - Banks and Financial Institutions**

**HB 812 - Local Government and Related Matters**

**HB 813 - Public Safety and Law Enforcement**

**HB 814 - Missouri Tobacco Settlement**

**HB 815 - Agriculture**

**HB 816 - Insurance**

**HB 817 - Local Government and Related Matters**

**HB 818 - Education - Elementary and Secondary**

**HB 820 - Motor Vehicle and Traffic Regulations**

**HB 822 - Banks and Financial Institutions**

HB 823 - Correctional and State Institutions  
HB 825 - Consumer Protection and Housing  
HB 826 - Critical Issues  
HB 827 - Governmental Organization and Review  
HB 829 - Civil and Administrative Law  
HB 830 - Ways and Means  
HB 831 - Criminal Law  
HB 832 - Critical Issues  
HB 833 - Education - Elementary and Secondary  
HB 834 - State Parks, Natural Resources and Mining  
HB 835 - Criminal Law  
HB 836 - Consumer Protection and Housing  
HB 837 - Critical Issues  
HB 838 - Critical Issues  
HB 841 - Critical Issues  
HB 843 - Critical Issues  
HB 844 - Public Safety and Law Enforcement  
HB 845 - Public Health  
HB 846 - Governmental Organization and Review  
HB 847 - Local Government and Related Matters  
HB 848 - Workers Compensation and Employment Security  
HB 850 - Criminal Law  
HB 851 - Criminal Law  
HB 852 - Civil and Administrative Law  
HB 888 - Agriculture  
HB 889 - Education - Elementary and Secondary

#### **COMMITTEE REPORT**

Committee on Public Health, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred HB 191, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment No. 1.

#### ***House Committee Amendment No. 1***

AMEND House Bill No. 191, Page 1, Section 1, Line 1, by inserting after the "1." the number "1."; and

further amend House Bill No. 191, Pages 1 and 2, Section 1 by deleting lines 19 through 22 and replacing with the words:

2. Coverage and benefits related to the examinations and tests as required by this section shall be at least as favorable and subject to the same dollar limits, deductible, and co-payments as other covered benefits or services.

3. Nothing in this act shall apply to accident-only, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies.

## **INTRODUCTION OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 29, introduced by Representatives Reynolds, Richardson, Chrismer, Townley, Kissell, Gratz and Murray, et al, relating to the prohibition of public aid for religious purposes and institutions.

HJR 30, introduced by Representative Shelton, relating to term limitations for members of the general assembly.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

HB 890, introduced by Representatives Bray, Harlan, Van Zandt, Kennedy, Kelly (27), Gaw, Campbell and Riback Wilson, et al, relating to income tax deductions.

HB 891, introduced by Representative Pryor, et al, relating to child support arrearages.

HB 892, introduced by Representatives Van Zandt, Campbell, Gibbons, Monaco, McLuckie, Ridgeway and Townley, et al, relating to the sunshine law.

HB 893, introduced by Representatives Murray, Kissell, McKenna, George, Green, Foley and Selby, et al, relating to the creation of a 911 day.

HB 894, introduced by Representatives Schilling and Sallee, relating to mental health insurance.

HB 895, introduced by Representative Crump, relating to sheriffs' deputies in certain counties.

HB 896, introduced by Representative Shelton, relating to juror compensation.

HB 897, introduced by Representative Shelton, relating to prohibiting the use or sale of radar detectors.

HB 898, introduced by Representatives Bartle, Kelley (47) and Cierpiot, relating to funds for public school capital projects.

## **WITHDRAWAL OF HOUSE BILL**

February 16, 1999

The Honorable Steve Gaw

Speaker, House of Representatives

State Capitol Building

Jefferson City, Missouri 65101

Dear Speaker Gaw,

I would like to request HB 681 be withdrawn.

Thanking you in advance for this consideration.

Sincerely,

/s/ James O'Toole

## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, February 17, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-Third Day, Monday, February 15, 1999, page 383, line 3, by deleting said line.

Page 375, roll call, by showing Representatives Purgason and Richardson voting "aye" rather than "absent with leave".

Page 376, roll call, by showing Representatives Purgason and Richardson voting "aye" rather than "absent with leave".

Page 377, roll call, by showing Representatives Purgason and Richardson voting "aye" rather than "absent with leave".

Page 378, roll call, by showing Representative Richardson voting "aye" rather than "absent with leave".

Page 379, roll call, by showing Representative Richardson voting "aye" rather than "absent with leave".

Page 380, roll call, by showing Representatives Reinhart and Richardson voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Wednesday, February 17, 1999, 3:00 pm. Hearing Room 9.

Executive session may or may not follow.

To be considered - HB 888

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 17, 1999. Hearing Room 9 upon adjournment. General Assembly.

### **APPROPRIATIONS - HEALTH AND MENTAL HEALTH**

Wednesday, February 17, 1999. Hearing Room 6 upon adjournment. Mark up.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Wednesday, February 17, 1999. Hearing Room 8 upon adjournment. Continue mark-up. Subcommittee reports. AMENDED NOTICE.

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Thursday, February 18, 1999. Hearing Room 8 upon adjournment. Continue mark-up. Dept. of Labor and Industrial Relations. AMENDED NOTICE.

### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 17, 1999, 12:00 pm. Hearing Rooms 1 and 2. Mark-up.

To be considered - HB 9, HB 11

### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 17, 1999, 8:00 am. Hearing Rooms 1 and 2. Mark-up.



To be considered - HB 9, HB 11

#### **BUDGET**

Thursday, February 18, 1999, 9:00 am. Hearing Room 6. Presentation on the state of Missouri's Y2K computer preparedness.

#### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, February 17, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 472, Executive Session - SB 291

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 17, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 398, HB 580, HB 788, Executive Session - HB 413,  
Executive Session - HB 473, Executive Session - HB 492

#### **CRIMINAL LAW**

Wednesday, February 17, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

#### **AMENDED NOTICE.**

To be considered - HB 36, HB 62, HB 73, HB 77, HB 257, HB 283, HB 286,  
HB 325, HB 342, HB 579, HB 619

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Thursday, February 18, 1999, 9:30 am. Side gallery. Executive session.

To be considered - HB 621

#### **EDUCATION - HIGHER**

Wednesday, February 17, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 442, HB 523, HB 749, HB 750, HB 778, Executive  
Session - HB 230, Executive Session - HB 640

#### **ENVIRONMENT AND ENERGY**

Thursday, February 18, 1999, 8:30 am. Hearing Room 9. Executive session to follow.

To be considered - HB 70, HB 484, HB 566, HB 597, HB 787

#### **FISCAL REVIEW**

Wednesday, February 17, 1999, 8:30 am. Hearing Room 7. AMENDED NOTICE.  
Executive session.

To be considered - HB 102, HB 323, HB 338, HJR 9, HJR 14

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 17, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 44, HB 528, HB 590, HB 764, HB 767, HB 870

**GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 17, 1999. Side gallery upon adjournment. Executive session. **CANCELLED**

**GOVERNMENTAL ORGANIZATION AND REVIEW**

Monday, February 22, 1999. Side gallery upon adjournment. Executive session.

**MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, February 17, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 793

**MUNICIPAL CORPORATIONS**

Wednesday, February 17, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 261, HB 686

**PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, February 17, 1999, 8:00 pm. Hearing Room 5. **AMENDED NOTICE.**

To be considered - HB 175, HB 583, HB 651, HB 697, HB 777, HB 786

**RETIREMENT**

Wednesday, February 17, 1999, 8:00 pm. Hearing Room 7. Executive session will follow.

To be considered - HB 226, HB 419, HB 432, HB 464, HB 736

**TRANSPORTATION**

Wednesday, February 17, 1999, 3:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 468

**UTILITIES REGULATION**

Thursday, February 18, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - HB 160, HB 735

**WAYS AND MEANS**

Wednesday, February 17, 1999, 4:30 pm. Hearing Room 6. Executive session.

**HOUSE CALENDAR**

**TWENTY-FIFTH DAY, WEDNESDAY, FEBRUARY 17, 1999**

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 29 and HJR 30

**HOUSE BILLS FOR SECOND READING**

HB 890 through HB 898

**HOUSE BILLS FOR PERFECTION**

1 HB 107 - Days

2 HCS HB 321 & 493 - Farnen

3 HCS HB 26 & 117 - Kreider

4 HCS HB 274 - May (108)

5 HB 191, HCA 1 - Dougherty

#### HOUSE BILLS FOR PERFECTION - CONSENT

(February 10, 1999)

1 HB 216 - Parker

2 HB 518 - Ross

(February 11, 1999)

3 HB 248 - Kissell

4 HB 165 - May (108)

5 HB 359 - Hosmer

6 HB 69 - Elliott

7 HB 358 - Hosmer

8 HB 183 - Pouche

(February 15, 1999)

9 HB 76 - Smith

10 HB 369 - Murray

11 HB 275 - May (108)

#### HOUSE BILLS FOR THIRD READING

1 HB 153, (Fiscal Review 2-9-99) - Leake

2 HB 323, (Fiscal Review 2-11-99) - Gratz

3 HB 338, (Fiscal Review 2-15-99) - Koller

4 HS HCS HB 618 - Harlan

5 HB 318 - Leake

6 HCS HB 524 - Ransdall

7 HCS HB 139, E.C. - Long

8 HS HB 450, (Fiscal Review 2-16-99) - Relford

9 HB 541 - Kreider

10 HB 368, E.C. - Murray

#### HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 63 - Relford

2 HB 271 - Clayton

3 HB 265 - Smith

4 HB 103 - Treadway

5 HB 530 - May (108)

6 HB 136 - Smith

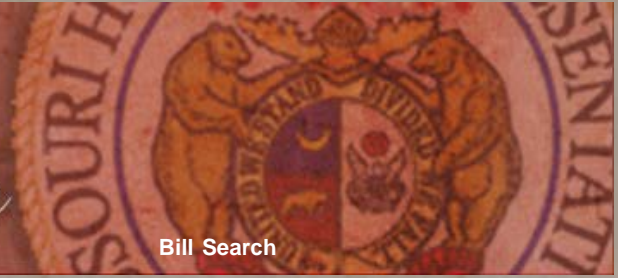


Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

TWENTY-FIFTH DAY, Wednesday, February 17, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Kate Hollingsworth.

Did you hear the birds this morning, simple doves coo? Did you see the blue sky and the wispy clouds? How about the warming sunshine on your face? Did you see the cheerful faces of children at a bus stop? Did you feel...really feel... the crisp, cool air upon your skin?

The pace and intensity of our work can often deter our senses from the simple things. It is appropriate that today, Ash Wednesday, we reflect upon Your love. Heavenly Father, as we deliberate upon issues which make a difference in the lives of Missourians, we appreciate the gentle and simple things You provide.

We ask that Your gentle hand and sweet love be with those in need, those who are grieving loss. In particular, we ask for Your special blessing for our colleague, Rodger Fitzwater, whose father passed away this morning unexpectedly. Our prayers and thoughts are with Rodger, his mother and his brother, Phillip. We ask Your special comfort upon them as they return their loved one to Your care. Be also with Speaker Pro Tem Kreider and his mother during her hospitalization. In Your name, we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Natalie Wilson, Erica Wilson, Valerie Wilson, Mary Grace Bruntrager, Claire Bruntrager and Ellen Bruntrager.

The Journal of the twenty-fourth day was approved as corrected.

### RESOLUTION OFFERED

House Resolution No. 276 - Representative Gratz

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 273 - Representative Akin

House Resolution No. 274 - Representative Foster

House Resolution No. 275 - Representative Enz

House Resolution No. 277 - Representative Richardson

House Resolution No. 278 through House Resolution No. 280 - Representative Backer

House Resolution No. 281 - Representatives Treadway, Barry, Hendrickson and Enz

House Resolution No. 282 - Representative Kelley (47)

House Resolution No. 283 - Representative Scott

## **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 29** and **HJR 30** were read the second time.

## **SECOND READING OF HOUSE BILLS**

**HB 890** through **HB 898** were read the second time.

## **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 541**, **HB 368** and **HS HB 450**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 63**, **HB 103**, **HB 136**, **HB 265**, **HB 271** and **HB 530**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 153**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 323**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 338**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## **THIRD READING OF HOUSE BILLS**

**HB 153**, relating to ethanol producer incentive fund, was taken up by Representative Leake.

On motion of Representative Leake, **HB 153** was read the third time and passed by the following vote:

AYES: 158

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 003

Fitzwater Secrest Seigfreid

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**HB 323**, relating to conveyance in Cole County, was taken up by Representative Gratz.

On motion of Representative Gratz, **HB 323** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kelly 27 Kennedy Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott



Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton Fitzwater Kasten King Kissell

Linton Secrest Seigfreid

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 338**, relating to motor carrier and railroad safety, was taken up by Representative Koller.

On motion of Representative Koller, **HB 338** was read the third time and passed by the following vote:

AYES: 114

Abel Akin Alter Auer Backer

Barnett Barry 100 Bennett Berkowitz Berkstresser

Black Bonner Boucher Boykins Bray 84

Britt Campbell Carter Clayton Cooper

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Foley Ford Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Green Griesheimer

Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hollingsworth

Hoppe Hosmer Kasten Kennedy Kissell

Koller Kreider Lakin Leake Legan

Levin Liese Linton Lograsso Long  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Miller Monaco Murphy  
Murray Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Ransdall Reinhart  
Relford Reynolds Rizzo Robirds Ross  
Sallee Scheve Schilling Selby Shelton  
Shields Skaggs Smith Stokan Thompson 72  
Treadway Troupe Van Zandt Wagner Ward  
Wiggins Williams 121 Wilson Mr. Speaker

NOES: 043

Ballard Bartelsmeyer Bartle Blunt Boatright  
Burton Champion Chrismer Cierpiot Crawford  
Foster Gratz Gross Hampton Hanaway  
Hohulin Holand Howerton Kelley 47 King  
Klindt Lawson Luetkemeyer Marble Merideth  
Myers Naeger Pouche Pryor Purgason  
Reid Richardson Ridgeway Schwab Scott  
Summers Surface Thompson 37 Townley Tudor  
Vogel Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Fitzwater Kelly 27 Loudon Secrest Seigfreid

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 618**, relating to elderly health care needs, was taken up by Representative Harlan.

On motion of Representative Harlan, **HS HCS HB 618** was read the third time and passed by the following vote:

AYES: 136

Abel Akin Alter Backer Barnett  
Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser  
Black Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Farnen Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 124 Hegeman Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Long Luetkenhaus May 108 Mays 50  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 019

Ballard Bartle Blunt Boatright Chrismer  
Elliott Enz Evans Gross Hartzler 123  
Hendrickson Hohulin Linton Loudon Luetkemeyer  
Marble Myers Pryor Purgason

PRESENT: 002

Auer Gunn

ABSENT WITH LEAVE: 005

Fitzwater Lograsso McBride Secrest Seigfreid

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Mays (50) moved that motion lay on the table.

The latter motion prevailed.

**HB 318**, relating to 911 telecommunications, was taken up by Representative Leake.

On motion of Representative Leake, **HB 318** was read the third time and passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Foley Foster Franklin

Fraser Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway



Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Froelker

PRESENT: 000

ABSENT WITH LEAVE: 004

Fitzwater Ford Secrest Seigfreid

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 524**, relating to hazardous waste fees, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **HCS HB 524** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Foley Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 005

Hartzler 124 Hendrickson Hohulin Lograsso Townley

PRESENT: 000

ABSENT WITH LEAVE: 011

Cooper Crump Fitzwater Ford Kelley 47  
King Lawson Luetkenhaus Secrest Seigfreid  
Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

**HCS HB 139**, relating to tourism tax, was taken up by Representative Long.

On motion of Representative Long, **HCS HB 139** was read the third time and passed by the following vote:

AYES: 140

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Boatright Bonner Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Cooper  
Crawford Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hendrickson Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Robirds Ross Sallee Scheve  
Schilling Schwab Scott Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 012

Akin Bartle Blunt Gross Hegeman  
Hohulin Lograsso Loudon Murphy Purgason  
Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Boucher Fitzwater Foley Ford Hickey

Kelley 47 Rizzo Secrest Seigfreid Troupe

VACANCIES: 001

Representative Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 128

Abel Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Berkowitz Berkstresser Black

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Elliott Evans Farnen Foley Foster

Franklin Fraser Froelker Gambaro Gaskill

George Graham 106 Graham 24 Gratz Green

Griesheimer Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hickey Hilgemann

Holand Hollingsworth Hoppe Kasten Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Liese

Long Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 024

Akin Barnett Bartle Bennett Blunt

Boatright Cierpiot Enz Gibbons Gross



Hartzler 124 Hendrickson Hohulin Howerton King

Linton Lograsso Loudon Merideth Patek

Purgason Reid Selby Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Dolan Fitzwater Ford Hosmer Kelley 47

Levin Ridgeway Secrest Seigfreid Troupe

VACANCIES: 001

On motion of Representative Thompson (72), title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Williams (121) moved that motion lay on the table.

The latter motion prevailed.

**HB 541**, relating to southern dairy compact, was taken up by Representative Kreider.

Representative Kreider offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND House Bill No. 541, Page 8, Section 262.700, Line 264, by deleting the word "**nine**" and inserting in lieu thereof the word "**three**".

On motion of Representative Kreider, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Kreider, **HB 541, as amended**, was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Foley Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

McLuckie

ABSENT WITH LEAVE: 008

Boucher Fitzwater Ford Hickey O'Toole

Secrest Seigfreid Wiggins

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HB 368**, relating to state employee salaries, was taken up by Representative Murray.

On motion of Representative Murray, **HB 368** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Elliott Enz Evans Farnen Foley

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 007

Boatright Cierpiot Foster Hartzler 124 Hohulin

Murphy Nordwald

PRESENT: 000

ABSENT WITH LEAVE: 008

Dougherty Fitzwater Ford Long Patek

Secrest Seigfreid Troupe

VACANCIES: 001

Representative Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 125

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Blunt Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Clayton Cooper Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Foley Franklin Fraser Gambaro

George Graham 106 Graham 24 Gratz Green

Griesheimer Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Long Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Monaco Murray

Myers Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Selby

Shelton Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Treadway Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 027

Akin Bartle Boatright Chrismer Cierpiot

Foster Froelker Gibbons Gross Hartzler 124

Hohulin Howerton King Linton Loudon



Merideth Miller Murphy Nordwald Patek

Pouche Pryor Purgason Reid Scott

Shields Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Crawford Fitzwater Ford Gaskill Liese

Lograsso Sallee Secrest Seigfreid Troupe

VACANCIES: 001

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

#### THIRD READING OF HOUSE BILLS - CONSENT

**HB 63**, relating to assault on corrections' employees, was taken up by Representative Relford.

On motion of Representative Relford, **HB 63** was read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniels 41

Davis 122 Davis 63 Dolan Dougherty Elliott

Enz Evans Farnen Foley Foster

Fraser Froelker Gambaro George Graham 106

Graham 24 Gratz Green Griesheimer Gross

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Linton Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schwab Scott Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wright Mr. Speaker

NOES: 015

Auer Carter Daniel 42 Days Franklin  
Gibbons Gunn Hohulin Kelly 27 McKenna  
Murphy Patek Schilling Stokan Wilson

PRESENT: 000

ABSENT WITH LEAVE: 008

Fitzwater Ford Gaskill Liese Lograsso  
Secrest Seigfreid Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**HB 271**, relating to disclosure of information for medical treatment, was taken up by Representative Clayton.

**HB 271** was laid over.

## **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

HJR 27 - Elections

HJR 28 - Fiscal Review

## **RE-REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was re-referred to the Committee indicated:

HJR 20 - Federal-State Relations and Veterans Affairs

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

HB 819 - Urban Affairs

HB 839 - Children, Youth and Families

HB 853 - Local Government and Related Matters

HB 854 - Motor Vehicle and Traffic Regulations

HB 855 - Fiscal Review

HB 856 - Municipal Corporations

HB 857 - Civil and Administrative Law

HB 858 - Critical Issues

HB 859 - Governmental Organization and Review

HB 860 - Local Government and Related Matters

HB 861 - Governmental Organization and Review

HB 862 - Elections

HB 863 - Ways and Means

HB 864 - Ways and Means

HB 865 - Ways and Means

HB 866 - Professional Registration and Licensing

HB 867 - Professional Registration and Licensing

HB 869 - Local Government and Related Matters

HB 871 - Ways and Means

HB 872 - Elections

HB 873 - Public Safety and Law Enforcement

HB 874 - Fiscal Review

HB 875 - Criminal Law

HB 876 - Critical Issues

## **COMMITTEE REPORTS**

**Committee on Criminal Law, Chairman Hosmer reporting:**

**Mr. Speaker:** Your Committee on Criminal Law, to which was referred HJR 10 and HJR 12, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

**Committee on Elections, Chairman Days reporting:**

**Mr. Speaker:** Your Committee on Elections, to which was referred HB 676, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

**Committee on Insurance, Chairman Auer reporting:**

**Mr. Speaker:** Your Committee on Insurance, to which was referred HB 34, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Insurance, to which was referred HB 445, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Insurance, to which was referred HB 478, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Committee on Miscellaneous Bills and Resolutions, Chairman O'Toole reporting:**

**Mr. Speaker:** Your Committee on Miscellaneous Bills & Resolutions, to which was referred HCR 10, begs leave to report it has examined the same and recommends that it Do Pass.

## **House Concurrent Resolution No. 10**

**WHEREAS,** there has been a recent influx of immigrants moving into the state of Missouri and such immigrants can affect the amount of state government services that are necessary and the ways state government services are administered; and

**WHEREAS,** such immigrants affect our state educational system by creating a need for programs to enhance language communication; and

**WHEREAS,** our local law enforcement agencies are faced with new difficulties in assisting residents in the understanding of, and in the abiding with, state and federal law; and

**WHEREAS,** many of the recent immigrants do not have adequate health care coverage which results in limited access, or no access, to health care; and

**WHEREAS,** this recent increase of persons with limited English speaking skills and different cultural backgrounds is having an impact on local communities and neighborhoods; and

**WHEREAS,** there is a recent increase in demand for social services benefits; and

**WHEREAS,** there are more demands on employment training programs for unskilled workers in our state:



NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Immigration in Missouri be created to study the effects of the recent trend in immigration and to make recommendations on how best to prepare for the impact of this trend; and

BE IT RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro tem of the Senate, with no more than three House members or three Senate members being from the same political party; and

BE IT RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Speaker of the House of Representatives and the President Pro Tem of the Senate.

Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 185, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 315, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 517, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Public Safety and Law Enforcement, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred HJR 6, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Ways and Means, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred HB 516, begs leave to report it has examined the same and recommends that it Do Pass.

Mr. Speaker: Your Committee on Ways and Means, to which was referred HB 553, begs leave to report it has examined the same and recommends that it Do Pass.

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were read the first time and copies ordered printed:

HCR 21, introduced by Representatives Kissell and Kelly (27), relating to the United States Postal Service issuing a commemorative stamp honoring law enforcement officers killed in the line of duty.

HCR 22, introduced by Representative Shields, relating to the United States Congress mandating Social Security coverage for certain public employees.

#### INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 31, introduced by Representatives Klindt, Seigfreid, Summers, Williams (121), Parker, Luetkemeyer, Kreider, McBride and Marble, et al, relating to executive departments.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 899, introduced by Representatives Gunn, Troupe, Harlan, Daniel (42), Thompson (72) and Hilgemann, relating to public assistance.

HB 900, introduced by Representative Burton, relating to utility deregulation.

HB 901, introduced by Representatives Backer and Kreider, relating to financial institutions.

HB 902, introduced by Representatives Fitzwater, Lakin, Skaggs, Cooper and Relford, relating to the state board of cosmetology.

HB 903, introduced by Representative Auer, relating to group health insurance.

HB 904, introduced by Representatives Klindt and Summers, relating to the chemical emergency preparedness fund.

HB 905, introduced by Representatives Hampton and Kissell, et al, relating to public safety offenses.

HB 906, introduced by Representatives Smith and Kissell, relating to fireworks.

HB 907, introduced by Representative Britt, relating to traffic regulations.

HB 908, introduced by Representative McBride, relating to state forestry law.

HB 909, introduced by Representative Merideth, relating to medical benefits for certain retirees.

HB 910, introduced by Representatives Kelly (27) and Riback Wilson, relating to adoption records.

HB 911, introduced by Representatives Clayton, O'Toole, Hagan-Harrell and Elliott, relating to the county employees' retirement system.

HB 912, introduced by Representative Monaco, relating to county political party committee representation.

HB 913, introduced by Representative Naeger, et al, relating to receiving stolen property.

HB 914, introduced by Representative Naeger, relating to a tax credit for the transportation costs of nonpublic school students.

HB 915, introduced by Representatives Mays (50) and Legan, relating to transaction of business at meetings of electric cooperatives.

HB 916, introduced by Representatives Hosmer and Williams (121), relating to the governing boards of certain state colleges and universities.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 10, entitled:

An act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Mark McGwire Highway.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 17, entitled:

An act to repeal section 304.170, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 51, entitled:

An act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 90, entitled:

An act to repeal section 79.070, RSMo 1994, relating to fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 112, entitled:

An act to repeal section 528.620, RSMo 1994, relating to partition suits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 115, entitled:

An act to repeal section 301.441, RSMo Supp. 1998, relating to licensing of motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 139, entitled:

An act to repeal section 48.053, RSMo 1994, relating to elections of certain county treasurers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 149, entitled:

An act to repeal section 301.301, RSMo Supp. 1998, relating to motor vehicle license plate replacement, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 188, entitled:

An act to repeal sections 442.090, 442.095 and 442.100, RSMo 1994, relating to veterans, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 213, entitled:

An act to repeal section 57.968, RSMo 1994, and section 57.967, RSMo Supp. 1998, relating to sheriffs' retirement, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 264, entitled:

An act to repeal section 211.073, RSMo Supp. 1998, relating to juveniles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 271, entitled:

An act to repeal section 474.310, RSMo 1994, relating to wills, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 312, entitled:

An act to repeal sections 94.110, 94.270, 94.360, 191.769 and 291.060, RSMo 1994, and to enact in lieu thereof five new sections relating to bowling centers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 321, entitled:

An act to repeal section 456.535, RSMo 1994, relating to trustee's powers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, February 18, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-Fourth Day, Tuesday, February 16, 1999, page 392, by inserting after line 26, the following:

#### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:



## **HS HB 450 - Fiscal Review (Fiscal Note)**

Page 401, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 402 and 403, roll call, by showing Representatives Bartelsmeyer, Luetkenhaus, O'Connor and Ward voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Thursday, February 18, 1999. Hearing Room 8 upon adjournment. Continue mark-up. Dept. of Labor and Industrial Relations. AMENDED NOTICE. CANCELLED.

### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Thursday, February 18, 1999. 8:30 am. Hearing Rooms 1 and 2. Mark up.

### **BUDGET**

Thursday, February 18, 1999, 9:00 am. Hearing Room 6. Presentation on the state of Missouri's Y2K computer preparedness.

### **BUDGET**

Monday, February 22, 1999, 12:00 pm. Hearing Room 6. Public Debt, Dept. of Revenue, Dept. of Transportation, Office of Administration.

### **CRITICAL ISSUES**

Thursday, February 18, 1999, 8:30 am. Hearing Room 1 and 2. AMENDED.

To be considered - Executive Session - HB 225, Executive Session - HB 572, Executive Session - HB 718, HB 876.

### **EDUCATION - ELEMENTARY AND SECONDARY**

Thursday, February 18, 1999, 9:30 am. Side gallery. Executive session.

To be considered - HB 621

### **ENVIRONMENT AND ENERGY**

Thursday, February 18, 1999, 8:30 am. Hearing Room 9. Executive session to follow.

To be considered - HB 70, HB 484, HB 566, HB 597, HB 787

### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Monday, February 22, 1999. Side gallery upon adjournment. Executive session.

### **JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT**

Monday, February 22, 1999, 1:00 pm. Senate Committee Rooms 2 and 3.

### **JUDICIARY**

Thursday, February 18, 1999. Hearing Room 5 upon adjournment.

To be considered - HB 242, HB 282, HB 357, HB 453, HB 570, Executive Session - HB 488

#### JUDICIARY

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 302, HB 441

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 23, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 337, HB 381, HB 436, HB 592, HB 613, HB 657, HB 672,  
HB 745, HB 779, HB 795

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, February 18, 1999. Side gallery upon adjournment.

To be considered - Executive Session - HB 772

#### RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 297, HB 483, HB 499, HB 536, HB 625, HCR 3, HJR 2

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, February 18, 1999, 9:45 am. Side gallery.

To be considered - Executive Session - HB 89

#### UTILITIES REGULATION

Thursday, February 18, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - HB 160, HB 735

#### WAYS AND MEANS

Thursday, February 18, 1999. Hearing Room 6 upon adjournment. Executive session.

#### HOUSE CALENDAR

#### TWENTY-SIXTH DAY, THURSDAY, FEBRUARY 18, 1999

#### HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 21 - and HCR 22

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 31

#### HOUSE BILLS FOR SECOND READING

HB 899 through HB 916

#### HOUSE BILLS FOR PERFECTION

1 HB 107 - Days

2 HCS HB 321 & 493 - Farnen

3 HCS HB 26 & 117 - Kreider

4 HCS HB 274 - May (108)

5 HB 191, HCA 1 - Dougherty

#### HOUSE BILLS FOR PERFECTION - CONSENT

(February 11, 1999)

1 HB 248 - Kissell

2 HB 165 - May (108)

3 HB 359 - Hosmer

4 HB 69 - Elliott

5 HB 358 - Hosmer

6 HB 183 - Pouche

(February 15, 1999)

7 HB 76 - Smith

8 HB 369 - Murray

9 HB 275 - May (108)

(February 18, 1999)

10 HB 315 - Hosmer

11 HB 517 - Backer

12 HB 445 - Auer

13 HB 34 - Auer

14 HB 478 - Ward

15 HB 185 - Lakin

#### HOUSE BILLS FOR THIRD READING

1 HS HB 450, (Fiscal Review 2-16-99) - Relford

2 HCS HB 52 - Scheve

3 HCS HB 60 - O'Connor

4 HCS HB 348 - Smith

5 HB 65 - O'Toole

#### HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 271 - Clayton

2 HB 265 - Smith

3 HB 103 - Treadway

**4 HB 530 - May (108)**

**5 HB 136 - Smith**

**6 HB 216 - Parker**

**7 HB 518 - Ross**

**SENATE BILLS FOR SECOND READING**

**1 SB 10**

**2 SB 17**

**3 SCS SB 51**

**4 SCS SB 90**

**5 SB 112**

**6 SB 115**

**7 SB 139**

**8 SB 149**

**9 SB 188**

**10 SB 213**

**11 SB 264**

**12 SB 271**

**13 SB 312**

**14 SB 321**

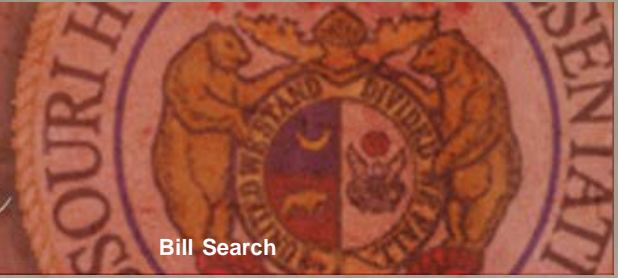


**Missouri House of Representatives**



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

TWENTY-SIXTH DAY, Thursday, February 18, 1999

Speaker Gaw in the Chair.

Prayer by Representative Randall Relford.

Our Gracious God, we give thanks for the gift of another day. The majestic power of Your creative hand is visible in every aspect of each person present in this great hall. With great diversity of character, interest and personal experience, we come together seeking to find avenues of oneness in the midst of myriads of deserts of challenge, present in governing our vast and fragmented culture. Grant, O Lord, the sustenance of Your spirit whereby we will make straight in the desert a highway of cooperation that maintains the dignity of Your creation and thusly promoting the general welfare of the people.

May our deliberations this day be conducted within the bounds of Your spirit of compassion for all, as we are mindful of this the second day of life for a small child, left to fend for itself on the steps of Cameron Community Hospital. There Your spirit nurtured this child through the presence of a mother cat till we were awakened to our senses. O Lord, move our conscience so that we may assist our citizens to accept personal responsibility for their life choices in a manner in which no child will ever be left out in the cold again.

This we humbly request, O God of the universe. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Flat Stanley, Katie Wilkerson, Laura Daily, Alexandra Kuxhaus, Mariah Vincent, Olivia Amick, Tyler Besaw, Kyle Besaw, David Holt, Jessica Holt, Kenny Marcher and Sam Negus.

The Journal of the twenty-fifth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 284 - Representatives Backer, Farnen, Graham (24), Harlan and Riback Wilson

House Resolution No. 285 - Representatives George and Green

House Resolution No. 286 through House Resolution No. 293 - Representative Abel

House Resolution No. 294 - Representative Vogel

House Resolution No. 295 - Representative Williams (121)

House Resolution No. 296 - Representative Auer

House Resolution No. 297 through House Resolution No. 302 - Representative Ross

House Resolution No. 303 - Representatives Monaco, Bonner, Hoppe, McLuckie, Franklin, Skaggs, Mays (50) and Boucher

House Resolution No. 304 - Representative Gibbons

House Resolution No. 305 - Representatives Elliott and Sallee

House Resolution No. 306 - Representative Kreider

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 21** and **HCR 22** were read the second time.

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 31** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 899** through **HB 916** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 10, SB 17, SCS SB 51, SCS SB 90, SB 112, SB 115, SB 139, SB 149, SB 188, SB 213, SB 264, SB 271, SB 312** and **SB 321** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 52, HCS HB 60, HB 65** and **HCS HB 348**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 216** and **HB 518**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **THIRD READING OF HOUSE BILLS**

**HCS HB 52**, relating to home improvement loans, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HB 52** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McLuckie  
Merideth Miller Monaco Murphy Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Berkstresser Cooper Dougherty Fitzwater Gunn  
Hanaway Hosmer Kreider McKenna Murray  
Secrest

VACANCIES: 1

Speaker Gaw declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Abel moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 60**, relating to military license plates, was taken up by Representative O'Connor.

On motion of Representative O'Connor, **HCS HB 60** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Elliott Enz Evans Farnen

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Hagan-Harrell Hampton Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker



NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper Dougherty Fitzwater Gunn Hanaway

Hosmer Kreider McKenna Schilling Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Backer, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 348**, relating to juvenile sex offender registration, was taken up by Representative Smith.

On motion of Representative Smith, **HCS HB 348** was read the third time and passed by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Britt Burton Campbell

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Dolan Elliott Enz Evans Farnen

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 008

Bartelsmeyer Boykins Bray 84 Carter Days  
Lograsso Murphy Schilling

PRESENT: 000

ABSENT WITH LEAVE: 012

Cooper Dougherty Fitzwater Foley Gunn  
Hanaway Hosmer Kreider McKenna Parker  
Patek Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Fraser moved that motion lay on the table.

The latter motion prevailed.

**HB 65**, relating to St. Louis police retirement, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HB 65** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Cierpiot Clayton Crawford Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Chrismer Cooper Dougherty Fitzwater Gunn  
Hanaway Hosmer Howerton Kreider McKenna  
Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hickey, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 271**, relating to disclosure of information, was taken up by Representative Clayton.

On motion of Representative Clayton, **HB 271** was read the third time and passed by the following vote:

AYES: 122

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Champion

Chrismer Cierpiot Clayton Crump Daniel 42

Daniels 41 Davis 122 Days Dolan Elliott

Enz Evans Farnen Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hampton Hartzler 123

Hartzler 124 Hendrickson Holand Hollingsworth Hoppe

Hosmer Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Lawson

Leake Legan Levin Liese Linton

Lograsso Loudon Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Scheve Schwab Scott

Seigfreid Selby Shelton Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wright Mr. Speaker

NOES: 028



Bartelsmeyer Berkstresser Bray 84 Campbell Carter

Davis 63 Foley Gibbons Harlan Hegeman

Hickey Hohulin Howerton Lakin Marble

McClelland Murphy Ostmann Patek Pouche

Purgason Reid Reinhart Sallee Schilling

Shields Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Cooper Crawford Dougherty Fitzwater Gunn

Hanaway Hilgemann Kreider Long McKenna

Pryor Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

**HB 265**, relating to podiatrists, was taken up by Representative Smith.

On motion of Representative Smith, **HB 265** was read the third time and passed by the following vote:

AYES: 138

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Clayton Crawford Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Elliott Enz

Farnen Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hampton Harlan

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Lakin Lawson Leake  
Legan Liese Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Pryor Purgason Ransdall Reid  
Relford Reynolds Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 012

Bartelsmeyer Cierpiot Evans Hartzler 124 Hohulin  
Lograsso Murphy Patek Reinhart Ridgeway  
Sallee Summers

PRESENT: 000

ABSENT WITH LEAVE: 012

Cooper Crump Dougherty Fitzwater Gunn  
Hanaway Hosmer Kreider Levin McKenna  
Richardson Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

**HB 103**, relating to nuisance actions, was taken up by Representative Treadway.

On motion of Representative Treadway, **HB 103** was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Elliott Enz Evans Farnen Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Lakin Lawson

Legan Levin Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Cooper Crawford Dougherty Fitzwater Gunn

Hanaway Kreider Leake Lograsso McKenna

McLuckie Secrest Shelton Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Thompson (72) moved that the vote by which the bill passed be reconsidered.

Representative Riback Wilson moved that motion lay on the table.

The latter motion prevailed.

**HB 530**, relating to credit transactions, was taken up by Representative May (108).

On motion of Representative May (108), **HB 530** was read the third time and passed by the following vote:

AYES: 144

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Chrismer Cierpiot Clayton

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Elliott Enz

Evans Farnen Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Howerton Kasten Kelly 27 Kennedy

King Kissell Klindt Koller Lakin

Lawson Leake Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface



Thompson 72 Townley Treadway Troupe Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Champion Murphy

PRESENT: 000

ABSENT WITH LEAVE: 016

Bennett Bonner Cooper Dougherty Fitzwater

Gunn Hanaway Hosmer Kelley 47 Kreider

Legan McKenna McLuckie Secrest Thompson 37

Tudor

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**HB 136**, relating to emancipated minors, was taken up by Representative Smith.

On motion of Representative Smith, **HB 136** was read the third time and passed by the following vote:

AYES: 144

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Elliott Enz Evans Farnen Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hosmer Howerton Kelley 47 Kelly 27  
Kissell Klindt Koller Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 006

Black Hoppe King Lograsso Purgason  
Reid

PRESENT: 000

ABSENT WITH LEAVE: 012

Cooper Dougherty Fitzwater Gunn Hanaway  
Hohulin Kasten Kennedy Kreider McKenna  
Scott Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Berkowitz moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**HB 216**, relating to on-site sewage disposal, was taken up by Representative Parker.

On motion of Representative Parker, **HB 216** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dolan Elliott  
Enz Evans Farnen Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Hagan-Harrell  
Hampton Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Lakin Lawson Leake  
Legan Levin Liese Linton Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bray 84 Cooper Dougherty Fitzwater  
Gunn Hanaway Kreider Lograsso McKenna

Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HB 518**, relating to transient guest tax, was taken up by Representative Ross.

On motion of Representative Ross, **HB 518** was read the third time and passed by the following vote:

AYES: 140

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Clayton Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Elliott Enz Evans

Farnen Foley Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Hagan-Harrell Hampton Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Shelton

Shields Skaggs Smith Stokan Summers



Surface Thompson 37 Thompson 72 Townley Treadway

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 010

Akin Blunt Cierpiot Hohulin Holand

Lograsso Reid Ridgeway Selby Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Boucher Cooper Dougherty Fitzwater Ford

Gunn Hanaway Hoppe Kreider McKenna

Secrest Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Selby, title to the bill was agreed to.

Representative Hampton moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

#### **PERFECTION OF HOUSE BILLS**

**HB 107, relating to water service lines, was taken up by Representative Days.**

**Representative Gibbons offered House Amendment No. 1.**

##### ***House Amendment No. 1***

**AMEND House Bill No. 107, Page 1, In the Title, Line 3, by inserting after the word "certain" the following: "municipalities and"; and**

**Further amend said bill, Page 1, Section 66.405, Line 2, by inserting after the word "inhabitants" the following: "or any municipality in any such county"; and**

**Further amend said bill, Page 1, Section 66.405, Line 9, by deleting the following: "..... county" and inserting in lieu thereof the following: "(insert name of municipality or county)"; and**

**Further amend said bill, Page 1, Section 66.405, Line 11, by deleting the following: "the county" and inserting in lieu thereof the following: "(insert name of municipality or county)"; and**

**Further amend said bill, Page 2, Section 66.405, Line 25, by deleting the word "county" and inserting in lieu thereof the word "municipality or county"; and**

**Further amend said bill, Page 2, Section 66.405, Line 32, by deleting all of said line and inserting in lieu thereof the**

following:

5. The municipality or county may contract with any provider of water service in the municipality or county to bill"; and

Further amend said bill, Page 2, Section 66.405, Line 34, by deleting the following: "the county. The county" and inserting in lieu thereof the following: "the municipality or county. The municipality or county"; and

Further amend said bill, Page 2, Section 66.405, Line 38, by deleting the following: "The county" and inserting in lieu thereof the following: "The municipality or county"; and

Further amend said bill, Page 2, Section B, Line 2, by inserting after the word "certain" the following: "municipalities and".

On motion of Representative Gibbons, House Amendment No. 1 was adopted.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 107, Page 2, Section 66.405, Line 42, by adding the following at the end of said line:

"In any first class county with a charter, any person who presently purchases water from any municipality shall have the option of continuing to purchase water from the same municipality even if a water district later claims sole right to sell water to said person."

On motion of Representative Lograsso, House Amendment No. 2 was adopted.

On motion of Representative Days, HB 107, as amended, was ordered perfected and printed.

HCS HBs 321 & 493, relating to public colleges and universities, was taken up by Representative Farnen.

On motion of Representative Farnen, HCS HBs 321 & 493 was adopted.

On motion of Representative Farnen, HCS HBs 321 & 493 was ordered perfected and printed.

HCS HBs 26 & 117, relating to first degree murder, was placed on the Informal Calendar.

HCS HB 274, relating to medical malpractice, was taken up by Representative May (108).

Representative May (108) offered HS HCS HB 274.

Representative Kelley (47) offered House Amendment No. 1.

Representative May (108) raised a point of order that House Amendment No. 1 goes beyond the scope of the statute of limitations.

The Chair ruled the point of order well taken.

On motion of Representative May (108), HS HCS HB 274 was adopted.

On motion of Representative May (108), HS HCS HB 274 was ordered perfected and printed.

HB 191, with House Committee Amendment No. 1, relating to insurance coverage, was placed on the Informal Calendar

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 840 - Motor Vehicle and Traffic Regulations

HB 893 - Governmental Organization and Review

## COMMITTEE REPORTS

Committee on Agriculture, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred HB 888, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 413, begs leave to report it has examined the same and recommends that it Do Pass.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 473, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Criminal Law, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred HB 257, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Critical Issues, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred HB 572, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Education - Elementary and Secondary, Vice-Chairman Davis (122) reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred HB 621, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Judiciary, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred HB 242, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Judiciary, to which was referred HB 282, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Judiciary, to which was referred HB 488, HB 206 and HB 357, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Mr. Speaker: Your Committee on Judiciary, to which was referred HB 453, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Judiciary, to which was referred HB 570, begs leave to report it has examined the

same and recommends that it Do Pass by Consent.

**Committee on Local Government and Related Matters, Chairman Hoppe reporting:**

**Mr. Speaker:** Your Committee on Local Government and Related Matters, to which was referred HB 64, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Local Government and Related Matters, to which was referred HB 267, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

**Mr. Speaker:** Your Committee on Local Government and Related Matters, to which was referred HB 268, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Local Government and Related Matters, to which was referred HB 300, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Local Government and Related Matters, to which was referred HB 366, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Local Government and Related Matters, to which was referred HB 407, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Committee on Public Health, Chairman Ladd Stokan reporting:**

**Mr. Speaker:** Your Committee on Public Health, to which was referred HB 94, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Committee on Public Safety and Law Enforcement, Chairman Kissell reporting:**

**Mr. Speaker:** Your Committee on Public Safety and Law Enforcement, to which was referred HB 661, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Public Safety and Law Enforcement, to which was referred HB 724, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Committee on Retirement, Chairman Hagan-Harrell reporting:**

**Mr. Speaker:** Your Committee on Retirement, to which was referred HB 459, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Retirement, to which was referred HB 464, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Retirement, to which was referred HB 514, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Retirement, to which was referred HB 662, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Retirement, to which was referred HB 736, HB 515 and HB 508, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

**Committee on Transportation, Chairman Koller reporting:**

**Mr. Speaker:** Your Committee on Transportation, to which was referred HB 468, begs leave to report it has examined



the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Transportation, to which was referred HB 646, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Transportation, to which was referred HB 678, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Transportation, to which was referred HB 680, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Workers Compensation and Employment Security, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Workers Compensation and Employment Security, to which was referred HB 162, begs leave to report it has examined the same and recommends that it Do Pass.

#### INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

HB 4, introduced by Representative Franklin, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 917, introduced by Representative Monaco, relating to structured settlements.

HB 918, introduced by Representative Scheve, et al, relating to state aid for public schools.

HB 919, introduced by Representatives May (108), Foley, Harlan, Fraser and Richardson, et al, relating to the free exercise of religion.

HB 920, introduced by Representative Farnen, relating to an advisory committee of the coordinating board for higher education.

HB 921, introduced by Representative Kissell, relating to sales and use taxation.

HB 922, introduced by Representative Lograsso, relating to state aid for sheltered workshops.

HB 923, introduced by Representatives Cierpiot, Crawford and Bennett, et al, relating to motor vehicle records.

HB 924, introduced by Representative Vogel, relating to special license plates for the Lions Club.

HB 925, introduced by Representatives Summers and Berkowitz, relating to state income tax and pensions.

HB 926, introduced by Representatives Liese and Ward, relating to life insurance policies.

HB 927, introduced by Representative Hohulin, relating to assault of a health care worker.

HB 928, introduced by Representatives Holand and Davis (122), relating to alternative education programs.

HB 929, introduced by Representative Griesheimer, relating to open burning of household refuse in certain counties.

HB 930, introduced by Representatives Ward, Boucher, Chrismer, Selby, Ransdall, Wagner, Ross and Merideth, et al, relating to the display of the POW/MIA flag.

HB 931, introduced by Representatives Blunt, Hosmer, Bennett, Legan and Gaskill, et al, relating to certification of juveniles to be tried as adults.

HB 932, introduced by Representatives Howerton, Hartzler (124) and Hartzler (123), relating to county hospitals.

HB 933, introduced by Representative Alter, relating to merchandising practices.

HB 934, introduced by Representatives Treadway, Days and Hickey, relating to transferring the division of professional registration to the department of labor and industrial relations.

HB 935, introduced by Representative Gibbons, relating to use tax definitions.

HB 936, introduced by Representative Levin, et al, relating to reports to credit reporting agencies.

HB 937, introduced by Representatives Chrismer and Kennedy, et al, relating to the pilot project scholarship program.

HB 938, introduced by Representative Chrismer, relating to property assessment.

#### COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) HB 165, HB 248, HB 183, HB 358, HB 69, and HB 359, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 61, entitled:

An act to repeal section 226.525, RSMo 1994, relating to tourist-oriented directional signs, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 124, entitled:

An act to repeal sections 407.911 and 407.913, RSMo 1994, relating to sales commissions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 187, entitled:

An act to repeal section 167.151, RSMo 1994, relating to payment of school tuition, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 277, entitled:

An act to repeal sections 253.081 and 253.090, RSMo 1994, relating to certain state park funds, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 315, entitled:

An act to authorize the conveyance of state property to the city of Farmington.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILL

February 17, 1999

The Honorable Steve Gaw, Speaker

House of Representatives

State Capitol Building

Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that House Bill 848 be withdrawn.

Thank you for your consideration of this request.

Sincerely,

/s/ State Representative Bill Luetkenhaus

District 12

#### ADJOURNMENT

On motion of Representative Foley, the House adjourned until 4:00 p.m., Monday, February 22, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-Fifth Day, Wednesday, February 17, 1999, pages 413 and 414, roll call, by showing Representative Kissell voting "aye" rather than "absent with leave".

Pages 414 and 415, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 414 and 415, roll call, by showing Representative Elliott voting "no" rather than "aye".

Pages 415 and 416, roll call, by showing Representative Enz voting "aye" rather than "no".

Page 418, roll call, by showing Representatives Crump, Luetkenhaus and Kelley (47) voting "aye" rather than "absent with leave".

Page 419, roll call, by showing Representative Kelley (47) voting "aye" rather than "absent with leave".

Pages 419 and 420, roll call, by showing Representatives Hosmer, Kelley (47) and Levin voting "aye" rather than "absent with leave".

Pages 419 and 420, roll call, by showing Representative Ridgeway voting "no" rather than "absent with leave".

Page 422, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Pages 422 and 423, roll call, by showing Representatives Crawford, Liese and Sallee voting "aye" rather than "absent with leave".

Pages 423 and 424, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 423 and 424, roll call, by showing Representative Boykins voting "no" rather than "aye".

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Monday, February 22, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 699, HB 708

### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 23, 1999. Hearing Rooms 3 and 4 upon adjournment of the Budget Committee or 3:00 p.m. Finish mark-up and executive session.

To be considered - HB 9, HB 11

### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 811, HB 822

### **BUDGET**

Monday, February 22, 1999, 12:00 pm. Hearing Room 6. Public Debt, Dept. of Revenue, Dept. of Transportation, Office of Administration.

### **BUDGET**

Tuesday, February 23, 1999, 8:30 am. Hearing Room 6.

To be considered - HB 2, HB 3, HB 5

### **BUDGET**

Tuesday, February 23, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 2, HB 3, HB 8

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 24, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 665, HB 692, HB 693, HB 694, HB 695, HB 737, HB 741, HB 852, Executive Session - HB 411, Executive Session - HB 580, Executive Session - HB 788

### **CONSUMER PROTECTION AND HOUSING**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 7. Executive session.



To be considered - HB 825

#### **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 823

#### **CRIMINAL LAW**

Wednesday, February 24, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 48, HB 88, HB 379, HB 424, HB 425, HB 457, HB 798, HB 850, HB 851

#### **CRITICAL ISSUES**

Monday, February 22, 1999, 7:00 pm. Hearing Room 6. Executive session may follow.

To be considered - HB 465, HB 489, HB 826, HB 858

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 716, HB 720, HB 818, HB 889

#### **ELECTIONS**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 297, HB 483, HB 499, HB 536, HB 625, HCR 3, HJR 2

#### **ENVIRONMENT AND ENERGY**

Tuesday, February 23, 1999. House Chamber (Democrat Side) upon morning adjournment.

Executive session.

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Monday, February 22, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HJR 20

#### **FISCAL REVIEW**

Monday, February 22, 1999, 3:00 pm. Hearing Room 9. Executive session. HB 450 (Fiscal Note).

To be considered - HB 874, HJR 21, HJR 28

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Monday, February 22, 1999. Side gallery upon adjournment. AMENDED NOTICE.

To be considered - Executive Session - HB 44, Executive Session - HB 201,

Executive Session - HB 590, Executive Session - HB 767

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 24, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 827, HB 846, HB 859, HB 861, HB 870, HB 893

#### **INSURANCE**

Tuesday, February 23, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 782, HB 816

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, February 25, 1999, 1:00 pm. Senate Lounge. Organizational meeting.

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Monday, February 22, 1999, 1:00 pm. Senate Committee Rooms 2 and 3.

#### JUDICIARY

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 302, HB 441

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 23, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

#### AMENDED NOTICE.

To be considered - HB 337, HB 381, HB 436, HB 592, HB 613, HB 657, HB 672,  
HB 706, HB 745, HB 779, HB 795

#### PROFESSIONAL REGISTRATION & LICENSING

Tuesday, February 23, 1999. Room 401 immediately following morning adjournment.

To be considered - Executive Session - HB 343

#### PUBLIC HEALTH

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 128, HB 320, HB 544, HB 631, HB 634, Executive Session - HB 31, Executive Session - HB 96,  
Executive Session - HB 278, Executive Session - HB 296, Executive Session - HB 298, Executive Session - HB 409,  
Executive Session - HB 454, Executive Session - HB 607

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, February 23, 1999, 8:30 am. Hearing Room 5. Executive session may follow.

To be considered - HB 124, HB 314, HB 569, HB 729, HB 792, HB 844

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 24, 1999, 3:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 791, HB 800, HB 834, HJR 26

#### SUB-COMMITTEE FOR CHILD SUPPORT ENFORCEMENT

Monday, February 22, 1999, 3:00 pm. Hearing Rooms 3 and 4. Discussion on  
the funding of centralized payment proposal.

#### URBAN AFFAIRS

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 1 and 2. Executive session to follow.

To be considered - HB 636, HB 819

#### WAYS AND MEANS

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 59, HB 120, HB 172, HB 239, HB 289, HB 532, HB 600,  
HB 642, HB 647, HB 655, HB 663, HB 687, HB 768, HB 774, HB 830

#### HOUSE CALENDAR

TWENTY-SEVENTH DAY, MONDAY, FEBRUARY 22, 1999

#### HOUSE BILLS FOR SECOND READING

HB 917 through HB 938

#### HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 4

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 888 - Leake

2 HCS HB 267 - Hoppe

3 HB 162 - Luetkenhaus

#### HOUSE BILLS FOR PERFECTION - INFORMAL

1 HCS HB 26 & 117 - Kreider

2 HB 191, HCA 1 - Dougherty

#### HOUSE BILLS FOR PERFECTION - CONSENT

(February 15, 1999)

1 HB 76 - Smith

2 HB 369 - Murray

3 HB 275 - May (108)

(February 18, 1999)

4 HB 315 - Hosmer

5 HB 517 - Backer

6 HB 445 - Auer

7 HB 34 - Auer

8 HB 478 - Ward

9 HB 185 - Lakin

**(February 22, 1999)**

**10 HB 662 - Crump**

**11 HB 680 - Leake**

**12 HB 514 - Franklin**

**13 HB 678 - Leake**

**14 HB 94 - Clayton**

**15 HB 468 - Koller**

**16 HB 300 - Green**

**17 HB 407 - Robirds**

**18 HB 366 - Hartzler (123)**

**19 HB 64 - Long**

**20 HB 646 - Hampton**

**21 HB 459 - O'Toole**

**22 HB 464 - Richardson**

**23 HB 661 - Crump**

**24 HB 724 - Crump**

**25 HB 242 - May (108)**

**26 HB 282 - Clayton**

**27 HB 570 - Rizzo**

**28 HB 453 - Gross**

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

**HCR 10 - Williams (121)**

**HOUSE BILLS FOR THIRD READING**

**HS HB 450, (Fiscal Review 2-16-99) - Relford**

**HOUSE BILLS FOR THIRD READING - CONSENT**

**1 HB 248 - Kissell**

**2 HB 165 - May (108)**

**3 HB 359 - Hosmer**

**4 HB 69 - Elliott**

**5 HB 358 - Hosmer**

**6 HB 183 - Pouche**

**SENATE BILLS FOR SECOND READING**

**1 SCS SB 61**

**2 SB 124**

**3 SB 187**

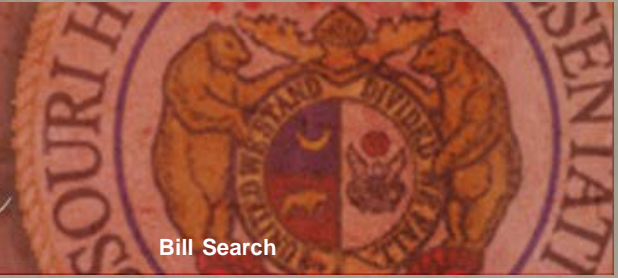
**4 SB 277**





# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

TWENTY-SEVENTH DAY, Monday, February 22, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Bill Ransdall.

O Lord, open my eyes that I may see the needs of others; open my ears that I may hear their cries; open my heart so that they need not be without strength, let me not be afraid to defend the weak because of the anger of the strong nor afraid to defend the poor because of the anger of the rich. Show me where love and hope and faith are needed, and use me to bring them to those places. And so open my eyes and my ears, that I may this coming day be able to do some work of peace for thee. Amen.

Please remember the Patrick Burch family in your prayers. Patrick was a long time lobbyist for the blind, he and his wife Judy, are mourning the passing of their daughter, Krystal Burch, this past week.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Laura Harter, Jimmy Harter, Sarah Harter and Jason Bromley.

The Journal of the twenty-sixth day was approved as corrected.

### RESOLUTION OFFERED

House Resolution No. 313 - Representatives Williams (121) and Sallee

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 307 - Representatives Lakin, Kelley (47), Reinhart and Skaggs

House Resolution No. 308 - Representative Boucher

House Resolution No. 309 - Representatives Franklin, Bonner, Reinhart, Davis (122), Rizzo, Lograsso and Daniels (41)

House Resolution No. 310 - Representative Bennett

House Resolution No. 311 - Representative Black

House Resolution No. 312 - Representative Vogel

House Resolution No. 314 through House Resolution No. 317 - Representative McClelland

House Resolution No. 318 - Representative Berkowitz

House Resolution No. 319 - Representative Seigfreid

House Resolution No. 320 through House Resolution No. 322 - Representative Gratz

#### **SECOND READING OF HOUSE BILLS**

**HB 917** through **HB 938** were read the second time.

#### **SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 4** was read the second time.

#### **SECOND READING OF SENATE BILLS**

**SCS SB 61**, **SB 124**, **SB 187**, **SB 277** and **SB 315** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HB 450 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HBs 321 & 493**, **HS HCS HB 274** and **HB 107**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HCS HB 274** - Fiscal Review (Fiscal Note)

#### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 248**, relating to offenses against police animals, was taken up by Representative Kissell.

On motion of Representative Kissell, **HB 248** was read the third time and passed by the following vote:

**AYES: 131**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartelsmeyer Bartle**

**Berkowitz Black Blunt Boatright Bonner**

Boucher Boykins Britt Burton Campbell  
Champion Chrismer Clayton Cooper Crawford  
Crump Daniels 41 Davis 122 Davis 63 Dolan  
Dougherty Elliott Enz Evans Farnen  
Ford Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hilgemann Hohulin Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Lakin Lawson Leake  
Legan Levin Liese Linton Long  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Rizzo Ross Sallee  
Scheve Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

**NOES: 026**

Bennett Berkstresser Bray 84 Carter Cierpiot  
Daniel 42 Days Foley Foster Hartzler 124  
Hegeman Hendrickson Hickey Holand King  
Kreider Lograsso Luetkemeyer Murphy Patek  
Pryor Ridgeway Robirds Schilling Summers  
Townley

**PRESENT: 000**

**ABSENT WITH LEAVE: 005**

Fitzwater Hoppe Loudon Nordwald Tudor

**VACANCIES: 001**

Speaker Pro Tem Kreider declared the bill passed.



On motion of Representative Auer, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

HB 165, relating to public officials, was taken up by Representative May (108).

On motion of Representative May (108), HB 165 was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Luetkemeyer

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Boucher Fitzwater Hollingsworth Hoppe Lograsso

Loudon Luetkenhaus Nordwald Tudor

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

HB 359, relating to juvenile court, was taken up by Representative Hosmer.

On motion of Representative Hosmer, HB 359 was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hilgemann

Hohulin Holand Hollingsworth Hosmer Howerton

Kasten Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Troupe Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

**NOES: 008**

Foley Green Hickey Lograsso Murphy  
Reynolds Ridgeway Treadway

**PRESENT: 000**

**ABSENT WITH LEAVE: 007**

Clayton Fitzwater Hoppe Kelly 27 Loudon  
Nordwald Tudor

**VACANCIES: 001**

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

HB 69, relating to attempted theft of anhydrous ammonia, was taken up by Representative Elliott.

On motion of Representative Elliott, HB 69 was read the third time and passed by the following vote:

**AYES: 152**

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Dolan  
Dougherty Elliott Enz Evans Farnen  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wright Mr. Speaker

NOES: 004

Bray 84 Days Schilling Wilson

PRESENT: 000

ABSENT WITH LEAVE: 006

Fitzwater Hoppe Linton Loudon Nordwald

Tudor

VACANCIES: 001



Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

HB 358, relating to victim notification of HIV test, was taken up by Representative Hosmer.

On motion of Representative Hosmer, HB 358 was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hilgemann Hohulin Holand Hollingsworth Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Long Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Troupe Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Fitzwater Foley Green Hickey Hoppe

Linton Loudon Nordwald Thompson 37 Treadway

Tudor

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Luetkenhaus moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

HB 183, relating to transfer of firearms, was taken up by Representative Pouche.

On motion of Representative Pouche, HB 183 was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniels 41

Davis 122 Davis 63 Dolan Dougherty Elliott

Enz Evans Farnen Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth  
Hosmer Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Lograsso Long Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Troupe Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wright Mr. Speaker

NOES: 005

Bray 84 Carter Daniel 42 Days Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Fitzwater George Green Hilgemann Hoppe  
Kelly 27 Linton Loudon Nordwald Thompson 37  
Treadway Tudor

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL - INFORMAL

HCS HBs 26 & 117, relating to first degree murder, was taken up by Representative Kreider.

Representative Bennett offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 26 & 117, Page 1, Section 565.020, Line 10, by placing brackets around the word "sixteenth" and inserting after the word "sixteenth", the word "fourteenth".

Representative Bennett moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Reid offered House Amendment No. 2.

House Amendment No. 2 was withdrawn.

Representative Reid offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bills Nos. 26 & 117, Page 1, Section 565.020, Line 7, by inserting immediately after the word "person" the following: "and the death results from assault or torture".

Representative Gibbons offered House Substitute Amendment No. 1 for House Amendment No. 2.

Representative May (108) raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 2 is not a true substitute amendment.

The Parliamentary Committee ruled the point of order well taken.

HCS HBs 26 & 117, with House Amendment No. 2, pending, was laid over.

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 20 - Urban Affairs

**REFERRAL OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was referred to the Committee indicated:

HB 4 - Budget

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

HB 796 - Civil and Administrative Law

HB 920 - Education - Higher

**COMMITTEE REPORTS**



**Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:**

**Mr. Speaker:** Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) HB 76, HB 369 and HB 275, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Agri-Business, Chairman Williams (159) reporting:**

**Mr. Speaker:** Your Committee on Agri-Business, to which was referred HB 591, begs leave to report it has examined the same and recommends that it Do Pass.

**Committee on Agriculture, Chairman Leake reporting:**

**Mr. Speaker:** Your Committee on Agriculture, to which was referred HB 324, begs leave to report it has examined the same and recommends that it Do Pass.

**Committee on Civil and Administrative Law, Chairman Smith reporting:**

**Mr. Speaker:** Your Committee on Civil and Administrative Law, to which was referred HB 492, begs leave to report it has examined the same and recommends that it Do Pass.

**Committee on Commerce, Chairman Rizzo reporting:**

**Mr. Speaker:** Your Committee on Commerce, to which was referred HB 753, begs leave to report it has examined the same and recommends that it Do Pass.

**Committee on Criminal Law, Chairman Hosmer reporting:**

**Mr. Speaker:** Your Committee on Criminal Law, to which was referred HB 283, HB 286, HB 325, HB 370, HB 551, HB 36, HB 42, HB 73, HB 111, HB 341, HB 619, HB 62 and HB 579, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

**Committee on Education - Higher, Chairman Farnen reporting:**

**Mr. Speaker:** Your Committee on Education - Higher, to which was referred HB 640, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

**Committee on Federal-State Relations and Veterans Affairs, Chairman Boucher reporting:**

**Mr. Speaker:** Your Committee on Federal State Relations and Veterans Affairs, to which was referred HB 133, begs leave to report it has examined the same and recommends that it Do Pass.

**Mr. Speaker:** Your Committee on Federal State Relations and Veterans Affairs, to which was referred HB 290, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Mr. Speaker:** Your Committee on Federal State Relations and Veterans Affairs, to which was referred HB 326, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

**Committee on Miscellaneous Bills and Resolutions, Chairman O'Toole reporting:**

**Mr. Speaker:** Your Committee on Miscellaneous Bills and Resolutions, to which was referred HB 793, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Retirement, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred HB 543 and HB 605, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Social Services, Medicaid and the Elderly, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred HB 490, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred HB 470, begs leave to report it has examined the same and recommends that it Do Pass.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 939, introduced by Representative Harlan, relating to the Missouri higher education savings program.

HB 940, introduced by Representative Dougherty, relating to the crime of failure to act in preventing child abuse.

HB 941, introduced by Representatives Summers and Klindt, relating to income taxation.

HB 942, introduced by Representative Harlan, relating to the aging-in-place pilot program.

HB 943, introduced by Representative Wiggins, relating to the rural communities economic assistance program.

HB 944, introduced by Representative Hosmer, relating to sales of tobacco products.

HB 945, introduced by Representative Kissell, relating to telemarketing.

HB 946, introduced by Representative Robirds, relating to unlawful use of weapons.

HB 947, introduced by Representative Ward, relating to modifications to federal adjusted gross income.

#### WITHDRAWAL OF HOUSE BILL

February 22, 1999

Anne Walker, Chief Clerk

Missouri House of Representatives

Room 307, Missouri State Capitol

Jefferson City, MO 65101

Dear Ms. Walker,

I respectfully request that House Bill 255 be withdrawn.

Thank you for your time and attention.

Respectfully,

/s/ Harry Kennedy

State Representative

66th District

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, February 23, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-sixth Day, Thursday, February 18, 1999, pages 437 and 438, roll call, by showing Representatives Berkstresser, Hosmer and Murray voting "aye" rather than "absent with leave".

Pages 438 and 439, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 439 and 440, roll call, by showing Representatives Hosmer and Patek voting "aye" rather than "absent with leave".

Pages 440 and 441, roll call, by showing Representatives Chrismer, Hosmer and Howerton voting "aye" rather than "absent with leave".

Page 442, roll call, by showing Representatives Crawford and Long voting "aye" rather than "absent with leave".

Page 442, roll call, by showing Representative Hilgemann voting "no" rather than "absent with leave".

Page 443, roll call, by showing Representatives Hosmer and Levin voting "aye" rather than "absent with leave".

Page 444, roll call, by showing Representative Crawford voting "aye" rather than "absent with leave".

Page 445, roll call, by showing Representatives Bennett, Bonner, Hosmer and Kelley (47) voting "aye" rather than "absent with leave".

Page 445, roll call, by showing Representative Champion voting "aye" rather than "no".

Page 446, roll call, by showing Representatives Kasten and Kennedy voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

##### AGRI-BUSINESS

Tuesday, February 23, 1999. Side gallery upon adjournment. Executive session.

To be considered - HB 699, HB 708

##### AGRICULTURE

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 9.

To be considered - HB 709, Executive Session - HB 679

#### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 23, 1999. Hearing Rooms 3 and 4 upon adjournment of the Budget Committee or 3:00 p.m. Finish mark-up and executive session.

To be considered - HB 9, HB 11

#### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 811, HB 822

#### **BUDGET**

Tuesday, February 23, 1999, 8:30 am. Hearing Room 6.

To be considered - HB 2, HB 3, HB 5

#### **BUDGET**

Tuesday, February 23, 1999. Hearing Room 6 upon morning adjournment.

AMENDED NOTICE.

To be considered - HB 2, HB 3, HB 8, HB 12

#### **BUDGET**

Wednesday, February 24, 1999, 8:30 am. Hearing Room 6.

To be considered - HB 6, HB 8, HB 12

#### **BUDGET**

Wednesday, February 24, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 6, HB 7, HB 10

#### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, February 24, 1999, 8:00 pm. Hearing Room 8. Possible executive session.

To be considered - HB 839

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 24, 1999, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 665, HB 692, HB 693, HB 694, HB 695, HB 737, HB 741, HB 852, Executive Session - HB 411, Executive Session - HB 580, Executive Session - HB 788

#### **CONSUMER PROTECTION AND HOUSING**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 7. Executive session.

To be considered - HB 825

#### **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 823



#### **CRIMINAL LAW**

Wednesday, February 24, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

#### **CORRECTED**

To be considered - HB 88, HB 148, HB 379, HB 424, HB 425, HB 457, HB 798, HB 850, HB 851

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 716, HB 720, HB 818, HB 889

#### **ELECTIONS**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 297, HB 483, HB 499, HB 536, HB 625, HCR 3, HJR 2

#### **ENVIRONMENT AND ENERGY**

Tuesday, February 23, 1999. House Chamber (Democrat Side) upon morning adjournment. Executive session.

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, February 24, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 827, HB 846, HB 859, HB 861, HB 870, HB 893

#### **INSURANCE**

Tuesday, February 23, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 782, HB 816

#### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Thursday, February 25, 1999, 1:00 pm. Senate Lounge. Organizational meeting.

#### **JOINT COMMITTEE ON CAPITAL IMPROVEMENTS**

Wednesday, February 24, 1999, 1:00 pm. Hearing Room 8. Review of expiring leases in HB 13.

#### **JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Thursday, February 25, 1999, 9:00 am. Hearing Room 7. Contested fiscal notes.

To be considered - HB 166, SB 156

#### **JUDICIARY**

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 5.

To be considered - HB 302, HB 441

#### **LABOR**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 6. AMENDED NOTICE.

To be considered - HB 131, Executive Session - HB 769

#### **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, February 23, 1999, 3:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

#### **AMENDED NOTICE.**

To be considered - HB 337, HB 381, HB 436, HB 592, HB 613, HB 657, HB 672,  
HB 706, HB 745, HB 779, HB 795

#### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, February 24, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 340, HR 66

#### **MISSOURI TOBACCO SETTLEMENT**

Wednesday, February 24, 1999, 5:00 pm. Hearing Room 8.

To be considered - HB 814, Executive Session - HB 430, Executive Session - HB 648

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 447, HB 448, HB 452, HB 471, HB 503, HB 529, HB 531,  
HB 840, Executive Session - HB 772, Executive Session - HB 840

#### **MUNICIPAL CORPORATIONS**

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 856, Executive Session - HB 261, Executive Session -  
HB 437, Executive Session - HB 686

#### **PROFESSIONAL REGISTRATION & LICENSING**

Tuesday, February 23, 1999. Room 401 immediately following morning adjournment.

To be considered - Executive Session - HB 343

#### **PUBLIC HEALTH**

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 128, HB 320, HB 544, HB 631, HB 634, Executive  
Session - HB 31, Executive Session - HB 96, Executive Session - HB 278,  
Executive Session - HB 296, Executive Session - HB 298, Executive Session  
- HB 409, Executive Session - HB 454, Executive Session - HB 607

#### **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, February 23, 1999, 8:30 am. Hearing Room 5. Executive session may follow.

To be considered - HB 124, HB 314, HB 569, HB 729, HB 792, HB 844

#### **STATE PARKS, NATURAL RESOURCES & MINING**

Wednesday, February 24, 1999, 3:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 791, HB 800, HB 834, HJR 26

**SUBCOMMITTEE ON CONSUMER PROTECTION**

Tuesday, February 23, 1999, 7:30 pm. Hearing Room 7. Working meeting.

To be considered - HB 192

**URBAN AFFAIRS**

Tuesday, February 23, 1999, 8:00 pm. Hearing Room 1 and 2. Executive session to follow.

**AMENDED**

To be considered - HB 636, HB 819, HCR 20

**WAYS AND MEANS**

Tuesday, February 23, 1999, 3:00 pm. Hearing Room 6. AMENDED NOTICE.

Executive session may follow.

To be considered - HB 59, HB 120, HB 172, HB 239, HB 289, HB 532, HB 600,  
HB 642, HB 647, HB 655, HB 663, HB 687, HB 768, HB 774, HB 830

**HOUSE CALENDAR**

**TWENTY-EIGHTH DAY, TUESDAY, FEBRUARY 23, 1999**

**HOUSE BILLS FOR SECOND READING**

HB 939 through HB 947

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 888 - Leake
- 2 HCS HB 267 - Hoppe
- 3 HB 162 - Luetkenhaus
- 4 HB 516 - Gaw
- 5 HCS HB 490 - Hollingsworth
- 6 HCS HB 621 - Relford
- 7 HCS HB 316, 660 & 203 - Ladd Stokan
- 8 HCS HB 308 - Dougherty

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 26 & 117, HA 2, pending - Kreider
- 2 HB 191, HCA 1 - Dougherty

**HOUSE BILLS FOR PERFECTION - CONSENT**

(February 18, 1999)

- 1HB 315 - Hosmer
- 2HB 517 - Backer
- 3HB 445 - Auer
- 4HB 34 - Auer

**5HB 478 - Ward**

**6HB 185 - Lakin**

**(February 22, 1999)**

**7 HB 662 - Crump**

**8 HB 680 - Leake**

**9 HB 514 - Franklin**

**10 HB 678 - Leake**

**11 HB 94 - Clayton**

**12 HB 468 - Koller**

**13 HB 300 - Green**

**14 HB 407 - Robirds**

**15 HB 366 - Hartzler (123)**

**16 HB 64 - Long**

**17 HB 646 - Hampton**

**18 HB 459 - O'Toole**

**19 HB 464 - Richardson**

**20 HB 661 - Crump**

**21 HB 724 - Crump**

**22 HB 242 - May (108)**

**23 HB 282 - Clayton**

**24 HB 570 - Rizzo**

**25 HB 453 - Gross**

**(February 23, 1999)**

**26 HB 473 - Legan**

**27 HB 257 - Seigfreid**

**28 HB 326 - Parker**

**29 HB 290 - Champion**

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

**HCR 10 - Williams (121)**

**HOUSE BILLS FOR THIRD READING**

**1 HS HB 450 - Relford**

**2 HB 107, E.C. - Days**

**3 HCS HB 321 & 493 - Farnen**

**4 HS HCS HB 274, (Fiscal Review 2-22-99) - May (108)**

**HOUSE BILLS FOR THIRD READING - CONSENT**

**1 HB 248 - Kissell**



**2 HB 165 - May (108)**

**3 HB 359 - Hosmer**

**4 HB 69 - Elliott**

**5 HB 358 - Hosmer**

**6 HB 183 - Pouche**

**7 HB 76 - Smith**

**8 HB 369 - Murray**

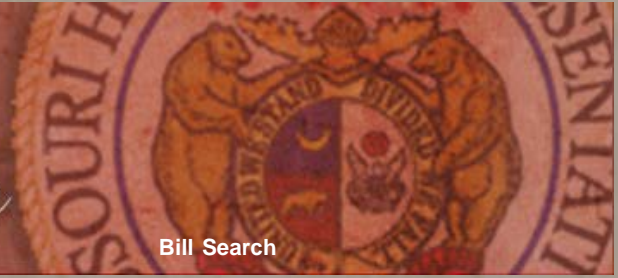
**9 HB 275, E.C. - May (108)**



**Missouri House of Representatives**

# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

TWENTY-EIGHTH DAY, Tuesday, February 23, 1999

Speaker Gaw in the Chair.

Prayer by Representative Charlie Shields.

Dear Lord, thank You for the opportunity to come together today in this great deliberative body to do the people's work. As we go forward in our work today, continue to remind us of how we came to be here and why we seek to serve. The halls of this great building are filled with people who will gladly tell us how important we are. As the session goes on, we even start to believe them. Lord, continue to remind us that the most important role we fill is not that of legislator, but as husband, wife, father, mother and grandparent. Lord, remind us that we are **only** important when we are doing **Your** work on behalf of those back home we serve. We ask that You, Lord, keep us ever humble in a place where humility becomes rarer as the days of session go on. We ask that, with Your help, each day in Your name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: John Southard, Josh Hedrick, Ryan Harlow, Isaac Allen, Juston Volker, Jerrod Sadler, Rachel Abdoler, Nick Monaco, Aaron Dicket, Caleb Johnson, Liam Sumnicht, Jason Bromley, Jessica Bromley, Melissa Bromley and Kayla Heinicke.

The Journal of the twenty-seventh day was approved as corrected.

### RESOLUTION OFFERED

House Resolution No. 324 - Representative Bennett

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 323 - Representatives Pouche and Cooper

House Resolution No. 325 - Representative Dougherty

House Resolution No. 326 - Representative Barry

House Resolution No. 327 - Representative Gibbons

House Resolution No. 328 - Representative Troupe

## SECOND READING OF HOUSE BILLS

**HB 939** through **HB 947** were read the second time.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION

**HCR 10**, relating to the creation of a joint committee on immigration, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HCR 10** was adopted.

## PERFECTION OF HOUSE BILLS

**HCS HB 888**, relating to rural agricultural businesses, was taken up by Representative Leake.

Representative Leake offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 888, Page 1, Section 348.407, Line 5, by inserting immediately after the word "**years**" the following: "**from time of application**"; and

Further amend said bill, Page 2, Section 348.407, Line 43, by inserting immediately after the number "**13.**" the following: "**The authority may charge fees for the provision of any service pursuant to this section. All fees collected pursuant to this section shall be deposited in the program fund.**

**14.**"; and

Further amend said bill, Page 2, Section 348.407, Line 45, by deleting the number "**14.**" and inserting in lieu thereof the number "**15.**"; and

Further amend said bill, Page 3, Section 348.410, Line 4, by deleting all of said line and inserting in lieu thereof the following: "to [subsection 2 of] section 348.406 [and subsection 5 of], section 348.407, **money appropriated**"; and

Further amend said bill, Page 3, Section 348.410, Line 11, by deleting the word and number "and 348.409." and inserting in lieu thereof the following: "[and 348.409]."; and

Further amend said bill, Page 3, Section 348.410, Line 12, by inserting immediately after the word "department" the words "**of agriculture**"; and

Further amend said bill, Page 3, Section 348.410, Line 14, by inserting immediately after the word "department" the words "**of agriculture**"; and

Further amend said bill, Page 3, Section 348.414, Line 4, by inserting after all of said line the following:

**"3. The authority shall not provide services or funds for any person not a resident of this state or for any project not located in this state."**; and

Further amend said bill, Page 4, Section 1, Line 25, by deleting the words "**purchases shares of**" and inserting in lieu thereof the words "**contributes capital to**"; and

Further amend said bill, Page 4, Section 1, Line 36, by inserting after all of said line the following:

**"6. The department shall not provide tax credits pursuant to this section for any person not a resident of this state or for any eligible new generation cooperative or renewable fuel production facility not located in this state."**

Representative Hegeman offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 888, Page 1, Line 3 of said page, by inserting immediately after the word "**application**" the word "**approval**".

On motion of Representative Hegeman, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Leake, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative Leake, **HCS HB 888, as amended**, was adopted.

On motion of Representative Leake, **HCS HB 888, as amended**, was ordered perfected and printed.

**HCS HB 267** was placed on the Informal Calendar.

**HB 162**, relating to unemployment insurance, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus offered **HS HB 162**.

On motion of Representative Luetkenhaus, **HS HB 162** was adopted.

On motion of Representative Luetkenhaus, **HS HB 162** was ordered perfected and printed.

#### **PERFECTION OF HOUSE BILLS - INFORMAL**

**HCS HBs 26 & 117, with House Amendment No. 2, pending**, relating to first degree murder, was taken up by Representative Kreider.

**House Amendment No. 2** was withdrawn.

Representative Kreider offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 26 & 117, page 1, section 565.020, lines 4-7, by striking all of said lines and inserting in lieu thereof the following:

"(2) Knowingly or with a reckless indifference to the value of a human life causes the death by assault or torture of a person less than sixteen years of age, a person with a developmental disability as defined in section 630.005, RSMo, or a dependent adult, when the person has previously engaged in a pattern or practice of such assault or torture of such other person."

Representative Gibbons offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*



AMEND House Committee Substitute for House Bill Nos. 26 & 117, page 1, section 565.020, lines 4-7 by striking all of said lines and inserting in lieu thereof the following:

"(2) Knowingly or with a reckless indifference to the value of human life causes the death by assault or torture of a person [less than sixteen years of age, a person with a developmental disability as defined in section 630.005, RSMo, or a dependent adult,] when the person has previously engaged in a pattern or practice of such assault or torture of such other person."

On motion of Representative Gibbons, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted by the following vote:

AYES: 106

Akin Alter Backer Ballard Barnett  
Bartelsmeyer Bartle Bennett Berkstresser Black  
Blunt Boatright Britt Burton Campbell  
Champion Chrismer Cierpiot Cooper Crawford  
Crump Davis 122 Davis 63 Dolan Elliott  
Enz Evans Farnen Foley Foster  
Froelker Gaskill George Gibbons Graham 106  
Graham 24 Gratz Griesheimer Gross Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hohulin Holand Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 King Kissell  
Klindt Koller Kreider Lawson Legan  
Levin Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble McClelland Miller Monaco  
Murray Myers Naeger Nordwald Ostmann  
Parker Patek Pouche Pryor Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Schwab Scott Secrest Seigfreid Shields  
Smith Summers Surface Townley Treadway  
Tudor Vogel Wagner Williams 159 Wright  
Mr. Speaker

NOES: 054

Abel Auer Barry 100 Berkowitz Bonner  
Boucher Boykins Bray 84 Carter Clayton  
Daniel 42 Daniels 41 Days Dougherty Ford  
Franklin Fraser Gambaro Green Gunn  
Hagan-Harrell Harlan Hickey Hilgemann Hollingsworth  
Kennedy Lakin Leake Liese Lograsso  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Murphy O'Connor O'Toole Overschmidt

Reid Scheve Schilling Selby Shelton

Skaggs Stokan Thompson 72 Troupe Van Zandt

Ward Wiggins Williams 121 Wilson

PRESENT: 001

Thompson 37

ABSENT WITH LEAVE: 001

Fitzwater

VACANCIES: 001

**HCS HBs 26 & 117, as amended**, was placed back on the Informal Calendar.

**HB 191, with House Committee Amendment No. 1**, relating to insurance coverage, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **House Committee Amendment No. 1** was adopted.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 191, Page 1, Section 1, Line 1, by inserting before the word "**All**" the number "**1.**"; and

Further amend said bill, Page 2, Section 1, Line 24, by inserting after all of said line the following:

**"2. The provisions of this section shall not apply to short-term major medical policies of six months or less duration."**

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Carter offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Bill No. 191, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"To repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before said line the following:

"Section A. Sections 192.650, 192.653 and 192.655, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 192.650, 192.653, 192.655 and 1, to read as follows:

192.650. 1. The department of health shall establish and maintain a cancer information reporting system which shall include a record of [hospitalized] **all** cancer cases **diagnosed or treated in hospitals as an inpatient or outpatient, pathology laboratories, physician offices, ambulatory surgical centers, and free-standing cancer clinics and treatment centers** which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic surveys of cancer and cancer related diseases in this state and to evaluate the appropriateness of preventive and control measures.

2. The director of the department shall promulgate rules and regulations specifying the malignant neoplasms which shall be reported and any accompanying information to be reported in each case, which may include patient name, address, diagnosis,

pathological findings, the stage of the disease, environmental and known occupational factors, method of treatment and relevant data from medical histories such as other incidence of cancer in the patient's family and the patient's [known past residencies] **residence at the time of diagnosis**. Reports of malignant neoplasms, exclusive of nonmelanomatous cutaneous malignancies, shall be filed with the director within [four] **six** months of the diagnosis or treatment. The department director shall prescribe the form and manner in which the information shall be reported.

192.653. 1. The [chief administrative officer of every hospital in Missouri] **administrator or designated representative of hospitals, pathology laboratories, physician offices, ambulatory surgical centers, and free-standing cancer clinics and treatment centers** shall report to the department of health every [hospitalized] case of malignant neoplasm which is required by the director of the department to be reported, along with the information required pursuant to section 192.650.

2. The attending physician [of any patient with the malignant neoplasm, who is in a hospital,] **or other health care provider responsible for a patient's diagnosis or treatment for a malignant neoplasm** shall provide, in writing, to the [chief administrative officer] **administrator or the administrator's designated representative**, the information required pursuant to section 192.650.

3. Reports filed with the director may be submitted through a data system designated by the person or organization filing the report.

**4. If a facility described in subsection 1 of this section is currently submitting reports of cases to the department of health through a centralized reporting system, duplicate reporting shall not be required.**

192.655. 1. The department of health shall protect the identity of the patient, physician [and hospital], **health care provider, hospital, pathology laboratory, ambulatory surgical center, and free-standing cancer clinic or treatment center** which is involved in the reporting required by section 192.653, and such identity shall not be revealed except that the identity of the patient may be released only upon written consent of the patient, the identity of the physician **or health care provider** may be released only upon written consent of the physician **or health care provider**, and the identity of the hospital, **pathology laboratory, ambulatory surgical center, or free-standing cancer clinic or treatment center** may be released only upon written consent of the [hospital] **facility**.

2. The department shall request consent for release from a patient, physician [or hospital], **health care provider, hospital, pathology laboratory, ambulatory surgical center, or free-standing cancer clinic or treatment center** only upon a showing by the applicant for such release that obtaining the identities of certain patients, physicians [or hospitals], **health care providers, hospitals, pathology laboratories, ambulatory surgical centers, or free-standing cancer clinics or treatment centers** is necessary for his **or her** cancer research and that his **or her** cancer research is worthwhile.

3. The department shall use or publish reports based upon materials reported [under] **pursuant to** sections 192.650 to 192.657 to advance research, education and treatment. The department shall provide qualified researchers with data from the reported information upon the researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

4. The department may enter into an exchange of data agreement with other cancer registries maintained by federal, state or local governmental entities. The provisions of subsection 1 of this section shall not apply to such an agreement if the agreement provides that the federal, state or local governmental cancer registry shall protect the identity of the patient, physician [and hospital], **health care provider, hospital, pathology laboratory, ambulatory surgical center, and free-standing cancer clinic or treatment center** in all data received from the Missouri department of health."

On motion of Representative Carter, **House Amendment No. 2** was adopted.

Representative Backer offered **House Amendment No. 3**.

Representative Gross raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Dougherty, **HB 191, as amended**, was ordered perfected and printed.

#### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 934** - Professional Registration and Licensing

#### COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Williams (159) reporting:



Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 708**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 269**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 487**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 589**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 427**, **HB 40**, **HB 196** and **HB 404**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 603**, **HB 722** and **HB 783**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 145**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 201**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 528**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 446**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HB 256**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 343**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 401**, begs leave to report it has examined the same



and recommends that it **Do Pass**.

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HB 512**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 406**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 700**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 351** and **HB 295**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 948**, introduced by Representative Farnen, relating to the denial of driver's license examinations and the cancellation of driver's licenses obtained through fraudulent means.

**HB 949**, introduced by Representative Hendrickson, relating to bonded indebtedness for school districts.

**HB 950**, introduced by Representative Ballard, relating to funding for public schools.

**HB 951**, introduced by Representative Riback Wilson, relating to the Missouri investment trust.

#### COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representative Kennedy has been appointed a member of the Professional Registration and Licensing Committee.

Representative Hegeman has been appointed a member of the Professional Registration and Licensing Committee.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 31 & 285**, entitled:

An act to repeal sections 130.046, 130.050 and 130.057, RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, February 24, 1999.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-seventh Day, Monday, February 22, 1999, pages 464 and 465, roll call, by showing Representatives Hollingsworth and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 465 and 466, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 469, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 9. AMENDED NOTICE.

To be considered - HB 709, Executive Session - HB 146, Executive Session - HB 679

#### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 6.

To be considered - HB 811, HB 822

#### **BUDGET**

Wednesday, February 24, 1999, 8:30 am. Hearing Room 6.

To be considered - HB 6, HB 8, HB 12

#### **BUDGET**

Wednesday, February 24, 1999. Hearing Room 6 upon morning adjournment. AMENDED

To be considered - HB 6, HB 7, HB 8, HB 12

#### **BUDGET**

Thursday, February 25, 1999, 8:30 am. Hearing Room 6

To be considered - HB 6, HB 7, HB 10, HB 12

#### **BUDGET**

Thursday, February 25, 1999. Hearing Room 6, Upon morning adjournment

To be considered - HB 6, HB 7, HB 9, HB 10, HB 11

#### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, February 24, 1999, 8:00 pm. Hearing Room 8. Possible executive session.

To be considered - HB 839

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 24, 1999, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE.

To be considered - HB 665, HB 692, HB 693, HB 694, HB 695, HB 737, HB 741,

HB 852, Executive Session - HB 411, Executive Session - HB 580, Executive Session - HB 788

#### **CONSUMER PROTECTION AND HOUSING**

Wednesday, February 24, 1999. Side gallery upon morning adjournment. Executive session.

#### CRIMINAL LAW

Wednesday, February 24, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

#### CORRECTED

To be considered - HB 88, HB 148, HB 379, HB 424, HB 425, HB 457, HB 798, HB 850, HB 851

#### EDUCATION - HIGHER

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 8.

To be considered - HB 547, HB 685, HB 920, Executive Session - HB 749,

Executive Session - HB 750, Executive Session - HB 778

#### ETHICS

Wednesday, February 24, 1999. Side gallery upon adjournment. Approval

Sophomore Class, Demo., Con. Order for Women, T.R.U.T.H., Freedom Caucuses.

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 24, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 827, HB 846, HB 859, HB 861, HB 870, HB 893

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 24, 1999. Side gallery upon adjournment. Executive session.

#### INSURANCE

Thursday, February 25, 1999, 9:15 am. Side gallery. Executive session.

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, February 25, 1999, 1:00 pm. Senate Lounge. Organizational meeting.

#### JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Wednesday, February 24, 1999, 1:00 pm. Hearing Room 8. Review of expiring leases in HB 13.

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 25, 1999, 9:00 am. Hearing Room 7. Contested fiscal notes.

To be considered - HB 166, SB 156

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 24, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 340, HR 66

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, February 24, 1999, 5:00 pm. Hearing Room 8. AMENDED NOTICE.

Executive session to follow.

To be considered - HB 814

#### MUNICIPAL CORPORATIONS

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 7.

To be considered - HB 856, Executive Session - HB 261, Executive Session - HB 437,  
Executive Session - HB 686

#### PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 24, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 416, HB 866, HB 867, Executive Session - HB 866

#### PUBLIC HEALTH

Wednesday, February 24, 1999, 9:00 am. Hearing Room 7. Possible executive session.

To be considered - HB 31, HB 96, HB 278, HB 296, HB 298, HB 401, HB 409, HB 454, HB 607

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 5.

To be considered - HB 761, Executive Session - HB 170, Executive Session - HB 323,  
Executive Session - HB 550

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 24, 1999, 3:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 791, HB 800, HB 834, HJR 26

#### TRANSPORTATION

Wednesday, February 24, 1999, 3:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 443, HB 500, HB 644

#### WAYS AND MEANS

Wednesday, February 24, 1999. Hearing Room 7 upon morning adjournment. Executive session.

#### HOUSE CALENDAR

TWENTY-NINTH DAY, WEDNESDAY, FEBRUARY 24, 1999

#### HOUSE BILLS FOR SECOND READING

HB 948 through HB 951

#### HOUSE BILLS FOR PERFECTION

1 HB 516 - Gaw

2 HCS HB 490 - Hollingsworth

3 HCS HB 621 - Relford

4 HCS HB 316, 660 & 203 - Ladd Stokan

5 HCS HB 308 - Dougherty



6 HCS HB 351 & 295 - Scheve

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 26 & 117, as amended - Kreider

2 HCS HB 267 - Hoppe

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**(February 18, 1999)**

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**(February 22, 1999)**

7 HB 662 - Crump

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15 HB 366 - Hartzler (123)

16 HB 64 - Long

17 HB 646 - Hampton

18 HB 459 - O'Toole

19 HB 464 - Richardson

20 HB 661 - Crump

21 HB 724 - Crump

22 HB 242 - May (108)

23 HB 282 - Clayton

24 HB 570 - Rizzo

25 HB 453 - Gross

**(February 23, 1999)**

26 HB 473 - Legan

27 HB 257 - Seigfreid

**28 HB 326 - Parker**

**29 HB 290 - Champion**

**HOUSE BILLS FOR THIRD READING**

**1 HS HB 450 - Relford**

**2 HB 107, E.C. - Days**

**3 HCS HB 321 & 493 - Farnen**

**4 HS HCS HB 274, (Fiscal Review 2-22-99) - May (108)**

**HOUSE BILLS FOR THIRD READING - CONSENT**

**1 HB 76 - Smith**

**2 HB 369 - Murray**

**3 HB 275, E.C. - May (108)**

**SENATE BILLS FOR SECOND READING**

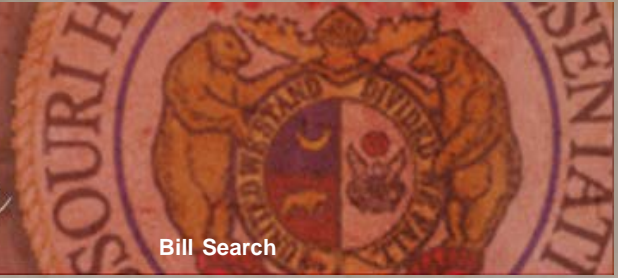
**SCS SB 31 & 285**



**Missouri House of Representatives**

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

TWENTY-NINTH DAY, Wednesday, February 24, 1999

Speaker Gaw in the Chair.

Prayer by Representative Bonnie Sue Cooper.

God of Grace and Understanding,

Someone once stated, "Blessed are those who fulfill the positions they occupy." We occupy some very important positions and the stakes are high along with the expectations. Yet, for some, it would just be enough to be elected, to fill a chair on the floor of the chamber, to occupy an office in the state capitol, to chair a committee, introduce a bill, just enough to get re-elected.

We are here to lead. Our goal should not be to do just enough to get re-elected, but to fulfill the position that is occupied with strength and courage and vision. Without apology and without recognition we continue to do our best knowing the office to be filled is always more important than the person filling it.

Father, in your scriptures You tell us 365 times - "Fear Not." You give us a Fear Not for every day of the year. Help us Father, to Fear Not so we may lead with courage and strength.

Privileged to serve, we move on toward our goals with You as our guide. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Stacey Zylka, Erin Maille, Stacey M. Blunt, Holly Hedemann, Amy Landon, Claire Winner, Russell Asher, Kari Aston, Jodi Beers, Jessica Bonkowski, Jasie Brakefield, Albert Cox, Beth Dilg, Amy Edgar, Sarah Garrison, Danny W. Gladden II, Matt Hammonds, Robbie Harris, David Howald, Amber Mayberry, Jenna Parrett, Tiffany Pratt, Leah Reed, Chris Sarles, Ray Scott, Alisha Tyree, Lindsay Verble, Lacy West, Chris Young, Jason Young, John Buckner, Christina Buckner, Jake Buckner and Jared Rademacher.

The Journal of the twenty-eighth day was approved as corrected.

## RESOLUTION

**House Resolution No. 204** was taken up by Representative Barnett and read.

WHEREAS, the members of the Missouri House of Representatives take tremendous pride in recognizing an outstanding Show-Me State university sports program that has proven to be one of the best in the nation; and

WHEREAS, the Northwest Missouri State University (NWMSU) Bearcats football team from Maryville culminated a 15-0 season by capturing First Place at the NCAA Division II National Championship game on December 12, 1998, in Florence, Alabama; and

WHEREAS, with a team that includes an extraordinary twenty-three MIAA Academic Honor Roll students, the NWMSU Bearcats earned their first-ever national title by defeating Carson-Newman in a hard-fought 24-6 game played before more than 3,000 fans from Maryville whose excitement and enthusiasm were not dampened in the least by cold rain; and

WHEREAS, on January 13, 1999, the American Football Coaches Association named Head Coach Mel Tjeerdsma the GTE NCAA Division II Coach of the Year in recognition of his outstanding, wide-ranging football knowledge and achievements which led the Bearcats from a 0-11 season during his first year at the school in 1994 to this year's 15-0 tally and the prestigious National Championship title; and

WHEREAS, Coach Tjeerdsma was ably assisted by a dedicated and skilled crew of Assistant Coaches who include Scott Bostwick, Jim Svoboda, Bart Tatum, Larry Harmon, Jay Kaiser, Matt Robinson, Will Wagner, Mark Serve, Andy Schneider, Earnest Collins, Kraig Evans, Kenny Gordan, and Jon Gustafson; Head Trainer Dave Colt; and Assistant Trainers Kevin Rask, Kelly Archer, and Landi VanAhn; and

WHEREAS, the Bearcats also brought honor to their school by placing six players on the Daktronics/CoSIDA All-America football team including quarterback Chris Greisen, center Steve Coppinger, linebacker Aaron Crowe, and cornerback Twan Young on the first team and guard Sherman Wilderness and defensive lineman Aaron Becker on the second team with seniors Steve Coppinger and Chris Greisen also selected for the West team at the 1999 Snow Bowl:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to congratulate the NWMSU Bearcat football team for an exemplary ending to an outstanding season, which earned them distinction as the first team ever in NCAA Division II history to go 15-0; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for NCAA Division II National Champions, the Northwest Missouri State University Bearcats.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 331 - Representative Rizzo

House Resolution No. 332 - Representative Scott

House Resolution No. 333 - Representatives Richardson and Foster

House Resolution No. 334 - Representatives Bartelsmeyer and Gaskill

House Resolution No. 335 - Representative Crawford

House Resolution No. 336 - Representatives Ford, Gambaro, Carter, Troupe, Auer, Kennedy, May (108), Dougherty, Davis (63), Shelton, O'Toole and Boykins

House Resolution No. 337 - Representative Ransdall

#### **SECOND READING OF HOUSE BILLS**

**HB 948** through **HB 951** were read the second time.

#### **SECOND READING OF SENATE BILL**

**SCS SBs 31 & 285** was read the second time.



## **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:**

**Mr. Speaker:** Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HB 191, HCS HB 888 and HB 162, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

### **REFERRAL OF HOUSE BILLS**

**The following House Bills were referred to the Committee indicated:**

**HB 191 - Fiscal Review (Fiscal Note)**

**HCS HB 888 - Fiscal Review (Fiscal Note)**

### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 76, relating to trustee powers, was taken up by Representative Smith.**

**On motion of Representative Smith, HB 76 was read the third time and passed by the following vote:**

**AYES: 160**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartelsmeyer Bartle**

**Bennett Berkowitz Berkstresser Black Blunt**

**Boatright Bonner Boykins Bray 84 Britt**

**Burton Campbell Carter Champion Chrismer**

**Cierpiot Clayton Cooper Crawford Crump**

**Daniel 42 Daniels 41 Davis 122 Davis 63 Days**

**Dolan Dougherty Elliott Enz Evans**

**Farnen Fitzwater Foley Ford Foster**

**Franklin Fraser Froelker Gambaro Gaskill**

**George Gibbons Graham 106 Graham 24 Gratz**

**Green Griesheimer Gross Gunn Hagan-Harrell**

**Hampton Hanaway Harlan Hartzler 123 Hartzler 124**

**Hegeman Hendrickson Hickey Hilgemann Hohulin**

**Holand Hollingsworth Hoppe Hosmer Howerton**

**Kasten Kelley 47 Kelly 27 Kennedy King**

**Kissell Klindt Koller Kreider Lakin**

**Lawson Leake Legan Levin Liese**

**Linton Lograsso Long Loudon Luetkemeyer**

**Luetkenhaus Marble May 108 Mays 50 McBride**

**McClelland McKenna McLuckie Merideth Miller**

**Monaco Murphy Murray Myers Naeger**

Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Boucher Shields

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

HB 369, relating to departmental grants, was taken up by Representative Murray.

On motion of Representative Murray, HB 369 was read the third time and passed by the following vote:

AYES: 126

Abel Auer Backer Ballard Barnett  
Barry 100 Bartelsmeyer Bennett Berkowitz Black  
Blunt Bonner Boykins Bray 84 Britt  
Burton Campbell Carter Champion Clayton  
Cooper Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dougherty ElliottENZ  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Leake Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Monaco Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Purgason Ransdall Reinhart Relford

Reynolds Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 027

Akin Alter Bartle Boatright Chrismer

Cierpiot Crawford Dolan Hendrickson Hohulin

Klindt Legan Lograsso Long Loudon

Luetkemeyer Miller Murphy Myers Patek

Pryor Reid Richardson Ridgeway Scott

Secrest Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Berkstresser Boucher King Lawson Levin

Liese Linton Murray Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

HB 275, relating to public administrators, was taken up by Representative O'Toole.

On motion of Representative O'Toole, HB 275 was read the third time and passed by the following vote:

**AYES: 155**

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Secrest Seigfreid Shelton Shields

Skaggs Smith Stokan Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

**NOES: 002**

Murphy Selby

**PRESENT: 000**



**ABSENT WITH LEAVE: 005**

**Bennett Boucher Hosmer Scott Summers**

**VACANCIES: 001**

**Speaker Gaw declared the bill passed.**

**The emergency clause was adopted by the following vote:**

**AYES: 121**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bennett Berkowitz**

**Bonner Boykins Bray 84 Britt Burton**

**Campbell Carter Champion Clayton Cooper**

**Crawford Crump Daniel 42 Daniels 41 Davis 122**

**Davis 63 Days Dougherty Elliott Evans**

**Farnen Fitzwater Foley Franklin Fraser**

**Gambaro George Gibbons Graham 106 Graham 24**

**Gratz Green Griesheimer Gunn Hagan-Harrell**

**Hampton Hanaway Harlan Hartzler 123 Hegeman**

**Hickey Hilgemann Holand Hollingsworth Hoppe**

**Hosmer Kelley 47 Kelly 27 Kennedy Kissell**

**Klindt Koller Kreider Lakin Lawson**

**Leake Legan Levin Liese Lograsso**

**Long Luetkenhaus May 108 Mays 50 McBride**

**McClelland McKenna McLuckie Monaco Murray**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Pryor Ransdall Reid**

**Relford Reynolds Richardson Rizzo Robirds**

**Ross Scheve Schilling Schwab Seigfreid**

**Selby Shelton Shields Skaggs Smith**

**Stokan Surface Thompson 37 Thompson 72 Treadway**

**Troupe Tudor Van Zandt Vogel Wagner**

**Ward Wiggins Williams 121 Williams 159 Wilson**

**Mr. Speaker**

**NOES: 040**

**Bartelsmeyer Bartle Berkstresser Black Blunt**

**Boatright Chrismer Cierpiot DolanENZ**

**Ford Foster Froelker Gaskill Gross**

Hartzler 124 Hendrickson Hohulin Howerton Kasten

King Linton Loudon Luetkemeyer Marble

Merideth Miller Murphy Myers Patek

Pouche Purgason Reinhart Ridgeway Sallee

Scott Secrest Summers Townley Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 001**

Boucher

**VACANCIES: 001**

On motion of Representative Hoppe, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

#### **THIRD READING OF HOUSE BILLS**

HS HB 450, relating to water pollution control bonds, was taken up by Representative Relford.

Representative Relford offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Bill No. 450, Page 2, Section 644.566, Line 1 of said page, by deleting the word "seventeen" and inserting in lieu thereof the word "two".

On motion of Representative Relford, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Relford, HS HB 450, as amended, was read the third time and passed by the following vote:

**AYES: 155**

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

**NOES: 000**

**PRESENT: 000**

**ABSENT WITH LEAVE: 007**

**Boucher Foley George Naeger Patek**

**Ridgeway Troupe**

**VACANCIES: 001**

**Speaker Gaw declared the bill passed.**

**On motion of Representative Britt, title to the bill was agreed to.**

**Representative Boykins moved that the vote by which the bill passed be reconsidered.**

**Representative Bonner moved that motion lay on the table.**

**The latter motion prevailed.**

HB 107, relating to water service lines, was taken up by Representative Days.

On motion of Representative Days, HB 107 was read the third time and passed by the following vote:

**AYES: 150**

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

**NOES: 008**

Blunt Boatright Elliott Hendrickson Hohulin

Murphy Pouche Wright



**PRESENT: 000**

**ABSENT WITH LEAVE: 004**

**Boucher Kreider Scheve Troupe**

**VACANCIES: 001**

**Speaker Gaw declared the bill passed.**

**The emergency clause was adopted by the following vote:**

**AYES: 135**

**Abel Akin Alter Auer Ballard**

**Barnett Barry 100 Bartelsmeyer Bartle Berkowitz**

**Berkstresser Black Bonner Boykins Bray 84**

**Britt Burton Campbell Carter Champion**

**Cierpiot Clayton Cooper Crawford Crump**

**Daniel 42 Daniels 41 Davis 122 Davis 63 Days**

**Dolan Dougherty Enz Farnen Fitzwater**

**Foley Ford Foster Franklin Fraser**

**Froelker Gambaro Gaskill George Gibbons**

**Graham 106 Graham 24 Gratz Green Griesheimer**

**Gunn Hagan-Harrell Hampton Hanaway Harlan**

**Hartzler 123 Hartzler 124 Hegeman Hickey Hilgemann**

**Hollingsworth Hoppe Hosmer Howerton Kasten**

**Kelley 47 Kelly 27 Kennedy King Kissell**

**Klindt Koller Kreider Lawson Leake**

**Legan Levin Liese Linton Lograsso**

**Long Luetkenhaus Marble May 108 Mays 50**

**McBride McClelland McKenna McLuckie Merideth**

**Monaco Murray Naeger Nordwald O'Connor**

**O'Toole Ostmann Overschmidt Parker Pryor**

**Ransdall Reinhart Relford Reynolds Richardson**

**Ridgeway Rizzo Robirds Ross Sallee**

**Scheve Schilling Schwab Scott Secrest**

**Seigfreid Selby Shelton Shields Skaggs**

**Smith Stokan Thompson 37 Thompson 72 Treadway**

**Tudor Van Zandt Vogel Wagner Ward**

**Wiggins Williams 121 Williams 159 Wilson Mr. Speaker**

**NOES: 022**

Backer Bennett Blunt Boatright Chrismer  
Elliott Evans Gross Hendrickson Holand  
Loudon Luetkemeyer Miller Murphy Myers  
Patek Pouche Purgason Reid Surface  
Townley Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 005**

Boucher Hohulin Lakin Summers Troupe

**VACANCIES: 001**

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

HCS HBs 321 & 493, relating to public colleges and universities, was taken up by Representative Farnen.

On motion of Representative Farnen, HCS HBs 321 & 493 was read the third time and passed by the following vote:

**AYES: 097**

Abel Auer Backer Barnett Barry 100  
Bennett Berkowitz Bonner Boykins Bray 84  
Britt Campbell Carter Champion Clayton  
Cooper Crump Daniel 42 Davis 122 Davis 63  
Days Dolan Dougherty Enz Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Gambaro George Graham 24 Gratz  
Green Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hickey Hilgemann  
Holand Hollingsworth Hosmer Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Leake Liese Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Monaco Murray Nordwald O'Connor O'Toole  
Overschmidt Parker Ransdall Relford Rizzo  
Ross Scheve Schilling Secrest Seigfreid

Selby Shelton Shields Skaggs Stokan

Summers Thompson 37 Thompson 72 Tudor Van Zandt

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 056

Akin Alter Ballard Bartelsmeyer Bartle

Berkstresser Black Blunt Boatright Burton

Chrismer Cierpiot Crawford Elliott Evans

Gaskill Gibbons Graham 106 Griesheimer Gross

Hegeman Hendrickson Hohulin Howerton Kelley 47

King Legan Levin Linton Long

Loudon Luetkemeyer Marble Miller Murphy

Myers Naeger Ostmann Patek Pouche

Pryor Purgason Reid Reinhart Richardson

Ridgeway Robirds Sallee Schwab Scott

Smith Surface Townley Treadway Vogel

Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Boucher Daniels 41 Froelker Hoppe Kasten

Lawson Lograsso Reynolds Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 267, relating to liquor control, was taken up by Representative Hoppe.

Representative Hoppe offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 267, Page 6, Section 311.220, Lines 13 to 16, by deleting all of said lines and inserting in lieu thereof the following: "Louis may by ordinance determine."

On motion of Representative Hoppe, House Amendment No. 1 was adopted.

Representative Green offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 267, Page 1, In the Title, Line 2, by inserting after the following: "311.240," the following: "311.293,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the following: "311.240," the following: "311.293,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 7, Section 311.260, Line 19, by inserting after all of said line the following:

"311.293. 1. Notwithstanding the provisions of section 311.290 or any other law to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail [under] pursuant to section 311.200, or intoxicating liquor by the drink for consumption on the premises, may apply to the supervisor of liquor control for a special license to sell intoxicating liquor in the original package or by the drink at retail between the hours of 11:00 a.m. and midnight on Sundays. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor in the original package or by the drink at retail between the hours of 11:00 a.m. and midnight on Sundays in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays."

On motion of Representative Green, House Amendment No. 2 was adopted.

Representative Graham (24) offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 267, Page 11, Section 311.680, Line 69, by inserting after all of said line the following: "5. Unless a peace officer or investigator investigating or enforcing for liquor control is working undercover, such peace officer or investigator shall immediately upon entering the premises present such officer's or investigator's identification to the licensee or employee in charge."

On motion of Representative Graham (24), House Amendment No. 3 was adopted.

Representative Hartzler (124) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Bill No. 267, Page 1, In the Title, Line 3, by inserting immediately after the word "sections" the following: "311.095"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eleven" and inserting in lieu thereof the following: "twelve"; and



Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the word "provisions" the following: "and an emergency clause for a certain section"; and

Further amend said bill, Page 11, Section 311.680, Line 69, by inserting after all of said line the following:

"Section B. Section 311.095, RSMo Supp. 1998, is repealed and one new section enacted in lieu thereof, to be known as section 311.095, to read as follows:

311.095. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term "resort" means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in subsection 2 of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

2. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter.

3. The times for opening and closing the establishments as fixed in section 311.290, the authority for the collection of fees by counties as provided in section 311.220, and all city ordinances, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed [under] pursuant to section 311.090.

4. Any new resort or restaurant establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

5. Before any license is issued or renewed pursuant to this section, the supervisor of liquor control shall require proof of a city license, if applicable.

Section C. Because immediate action is necessary to avoid a conflict in the renewal of liquor licenses section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect on July 1, 1999, or upon its passage and approval, whichever last occurs."

Representative Gross offered House Amendment No. 1 to House Amendment No. 4.

*House Amendment No. 1*

to

*House Amendment No. 4*

AMEND House Amendment No. 4 to House Bill No. 267, by inserting after all of said amendment the following:

"The provision of Section 311.095 shall be effective only for those new licenses issued after January 1, 2001."

Representative Gross moved that House Amendment No. 1 to House Amendment No. 4 be adopted.

Which motion was defeated.

Representative Hartzler (124) moved that House Amendment No. 4 be adopted.

Which motion was defeated by the following vote:

AYES: 037

Akin Alter Ballard Bartle Bennett

Boatright Enz Evans Foster Froelker

Gaskill Gibbons Hartzler 124 Kasten Kelley 47

King Klindt Linton Marble Merideth

Murphy Myers Naeger Nordwald Patek

Purgason Reid Robirds Sallee Schilling

Schwab Scott Secrest Stokan Summers

Townley Williams 121

NOES: 113

Abel Auer Backer Barry 100 Bartelsmeyer

Berkowitz Berkstresser Black Blunt Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Clayton Cooper

Crawford Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Elliott Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Howerton Kelly 27 Kennedy

Kissell Kreider Lakin Lawson Leake

Levin Liese Lograsso Long Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna Miller Monaco Murray O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Ross Scheve Seigfreid

Selby Shelton Shields Skaggs Smith

Surface Thompson 72 Treadway Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 159

Wilson Wright Mr. Speaker

**PRESENT: 000**

**ABSENT WITH LEAVE: 012**

Barnett Boucher Cierpiot Daniels 41 Hosmer

Koller Legan Loudon McLuckie O'Connor

Thompson 37 Troupe

**VACANCIES: 001**

Representative Howerton offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 267, Page 6, Section 311.220, Line 17, by inserting the following immediately after the word "citrus,": "or the governing body of the county in the unincorporated areas of the county,"

On motion of Representative Howerton, House Amendment No. 5 was adopted.

Representative Green offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 267, Pages 10-11, Section 311.680, Line 13-69, by deleting all of said lines and inserting the following: "3. The supervisor of liquor control or any law enforcement authorities may not use minors to enforce the laws of this chapter or chapter 312, RSMo."

HCS HB 267, as amended, with House Amendment No. 6, pending, was laid over.

#### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

HR 324 - Governmental Organization and Review

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 13 - Critical Issues

HCR 14 - Critical Issues

HCR 15 - Missouri Tobacco Settlement  
HCR 16 - Environment and Energy  
HCR 17 - Correctional and State Institutions  
HCR 18 - Agri-Business  
HCR 19 - State Parks, Natural Resources and Mining  
HCR 21 - Miscellaneous Bills and Resolutions  
HCR 22 - Critical Issues

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

HJR 25 - Local Government and Related Matters  
HJR 29 - Education - Elementary and Secondary  
HJR 30 - Elections  
HJR 31 - Transportation

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

HB 270 - Judiciary  
HB 626 - Critical Issues  
HB 877 - Elections  
HB 878 - Public Safety and Law Enforcement  
HB 879 - Miscellaneous Bills and Resolutions  
HB 880 - Local Government and Related Matters  
HB 881 - Ways and Means  
HB 882 - Consumer Protection and Housing  
HB 883 - Consumer Protection and Housing  
HB 884 - Labor  
HB 885 - Civil and Administrative Law  
HB 886 - Civil and Administrative Law  
HB 887 - Ways and Means  
HB 890 - Ways and Means  
HB 891 - Civil and Administrative Law  
HB 892 - Civil and Administrative Law  
HB 895 - Public Safety and Law Enforcement  
HB 896 - Judiciary  
HB 897 - Transportation  
HB 898 - Education - Elementary and Secondary  
HB 899 - Social Services, Medicaid and the Elderly  
HB 900 - Utilities Regulation



HB 901 - Banks and Financial Institutions  
HB 902 - Professional Registration and Licensing  
HB 903 - Insurance  
HB 904 - Agriculture  
HB 905 - Criminal Law  
HB 906 - Civil and Administrative Law  
HB 907 - Transportation  
HB 908 - State Parks, Natural Resources and Mining  
HB 909 - Retirement  
HB 910 - Children, Youth and Families  
HB 911 - Retirement  
HB 912 - Elections  
HB 913 - Criminal Law  
HB 914 - Education - Elementary and Secondary  
HB 915 - Utilities Regulation  
HB 918 - Education - Elementary and Secondary  
HB 919 - Critical Issues  
HB 921 - Ways and Means  
HB 922 - Critical Issues  
HB 923 - Critical Issues  
HB 924 - Motor Vehicle and Traffic Regulations  
HB 925 - Ways and Means  
HB 926 - Insurance  
HB 927 - Criminal Law  
HB 928 - Education - Elementary and Secondary  
HB 929 - Environment and Energy  
HB 930 - Federal-State Relations and Veterans Affairs  
HB 931 - Civil and Administrative Law  
HB 932 - Elections  
HB 933 - Commerce  
HB 935 - Ways and Means  
HB 936 - Banks and Financial Institutions  
HB 937 - Education - Higher  
HB 938 - Ways and Means

#### **COMMITTEE REPORTS**

**Committee on Agri-Business, Chairman Williams (159) reporting:**

**Mr. Speaker: Your Committee on Agri-Business, to which was referred HB 699, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment No. 1.**

**House Committee Amendment No. 1**

**AMEND House Bill No. 699, Page 3, Section 276.401, Line 77, by deleting the words "one hundred" and inserting in lieu thereof the words "[one] two hundred fifty".**

**Committee on Consumer Protection and Housing, Chairman Schilling reporting:**

**Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred HB 825, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Fiscal Review, Chairman Backer reporting:**

**Mr. Speaker: Your Committee on Fiscal Review, to which was referred HJR 28, begs leave to report it has examined the same and recommends that it Do Pass.**

**Mr. Speaker: Your Committee on Fiscal Review, to which was referred HB 874, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Governmental Organization and Review, Chairman Murray reporting:**

**Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred HB 846, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred HB 861, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred HB 893, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:**

**Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 840, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Public Health, Chairman Ladd Stokan reporting:**

**Mr. Speaker: Your Committee on Public Health, to which was referred HB 409, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Public Health, to which was referred HB 607, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Urban Affairs, Chairman Thompson (37) reporting:**

**Mr. Speaker: Your Committee on Urban Affairs, to which was referred HCR 20, begs leave to report it has examined the same and recommends that it Do Pass.**

**House Concurrent Resolution No. 20**

**Relating to Sonny Gibson, author of the Kansas City history known as Mecca of the New Negro.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:**

WHEREAS, the members of the Missouri House of Representatives are very proud of the achievements realized throughout this century by African-American citizens of the Show-Me State; and

WHEREAS, it is the belief of this legislative body that the complete history of the complex and valuable contributions of African Americans to earlier generations has yet to be fully disclosed; and

WHEREAS, Sonny Gibson of the Kansas City metropolitan area is the author of a self-published compendium of original source materials which helps to thoroughly illustrate the life and times of Black residents of Kansas City, Missouri; and

WHEREAS, entitled Mecca of the New Negro, Sonny Gibson's book is now available as a second edition, large-scale paperback with information covering the individuals, jazz clubs and musicians, arts, and churches centered around the Black neighborhoods and businesses of Kansas City; and

WHEREAS, Vice Chairman of the Charlie Parker Memorial Foundation and student of Chester R. Starks, Sonny Gibson amassed a collection of newspaper articles, brochures, advertisements, letters, and photographs to include in his historical volume; and

WHEREAS, a substantial part of this impressive reference work consists of materials concerning the history of the 18<sup>th</sup> and Vine Street district and of individuals such as Sarah Rector who was the city's first Black millionairess, the Honorable L. Amasa Knox who was the first Negro elected to the state legislature, Bishop William T. Vernon who received appointment as Registrar of the U.S. Treasury from President Theodore Roosevelt, and J. Milton Turner who served as State Superintendent of Public Schools of the State of Missouri and who later served as Ambassador to Liberia; and

WHEREAS, rounding out this collection are diverse articles taken from the record of daily life and which cover social events, real estate notices, law suits, deaths, and educational opportunities of African Americans from the entire strata of society:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to applaud the efforts and achievements of Sonny Gibson; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Sonny Gibson, author of the Kansas City history known as Mecca of the New Negro.

Committee on Ways and Means, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and means, to which was referred HB 246 and HB 405, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

#### INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 32, introduced by Representatives O'Connor and Carter, relating to classification of counties.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 952, introduced by Representative Koller, relating to providing sales tax exemptions for admission fees for hunting and feed and equipment used for production of certain domestically raised pheasants, partridges, quail and ungulates.

HB 953, introduced by Representatives Leake and Kissell, relating to the regulation and licensing of bail bond agents.

HB 954, introduced by Representatives Relford and Farnen, relating to the coordinating board for higher education.

HB 955, introduced by Representative Monaco, relating to peace officer training standards.

HB 956, introduced by Representative Patek, relating to sales and use tax on food.

HB 957, introduced by Representative Patek, relating to limited driving privileges.

HB 958, introduced by Representative Patek, relating to primary elections.

HB 959, introduced by Representative Patek, relating to the burden of proof in state tax cases.

HB 960, introduced by Representative Patek, relating to motor vehicle financial responsibility.

HB 961, introduced by Representative Hollingsworth, relating to spousal testimony.

HB 962, introduced by Representatives Reid and Wright, relating to income taxation.

HB 963, introduced by Representatives Howerton and Crawford, relating to liquor licenses.

HB 964, introduced by Representatives Fraser, Days, Carter and Thompson (72), et al, relating to materials and subjects of instruction.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HCS HB 14, entitled:

An act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 28, entitled:

An act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 34, entitled:

An act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 83, entitled:

An act to repeal section 67.1071, RSMo 1994, relating to the homeless, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 105, entitled:

An act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.



In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 159, entitled:

An act to repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 169, entitled:

An act to repeal section 42.105, RSMo 1994, relating to the national guard, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, February 25, 1999.

#### **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-eighth Day, Tuesday, February 23, 1999, page 483, roll call, by showing Representative Kreider voting "no" rather than "aye".

#### **COMMITTEE MEETINGS**

##### **AGRI-BUSINESS**

Thursday, February 25, 1999. Side gallery upon adjournment. Executive session to follow.

To be considered - HB 952

##### **BUDGET**

Thursday, February 25, 1999, 8:30 am. Hearing Room 6.

To be considered - HB 6, HB 7, HB 10, HB 12

##### **BUDGET**

Thursday, February 25, 1999. Hearing Room 6. Upon morning adjournment.

##### **AMENDED NOTICE.**

To be considered - HB 6, HB 7, HB 10

##### **BUDGET**

Monday, March 1, 1999, 12:00 pm. Hearing Room 6.

To be considered - HB 7, HB 9, HB 10, HB 11, HB 12

##### **CRITICAL ISSUES**

Thursday, February 25, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - HB 826

#### **ENVIRONMENT AND ENERGY**

Thursday, February 25, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 58, Executive Session - HB 67,  
Executive Session - HB 180

#### **FISCAL REVIEW**

Thursday, February 25, 1999, 8:00 am. Hearing Room 6. Executive session.

To be considered - HB 191, HB 274, HB 888

#### **INSURANCE**

Thursday, February 25, 1999, 9:15 am. Side gallery. Executive session.

#### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Thursday, February 25, 1999, 1:00 pm. Senate Lounge. Organizational meeting.

#### **JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Thursday, February 25, 1999, 9:00 am. Hearing Room 7. Contested fiscal notes.

To be considered - HB 166, SB 156

#### **JUDICIARY**

Tuesday, March 2, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - HB 334, HB 535

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Thursday, February 25, 1999. Side gallery upon adjournment.

To be considered - Executive Session - HB 32, Executive Session - HB 68,  
Executive Session - HB 141, Executive Session - HB 184,  
Executive Session - HB 400, Executive Session - HB 448,  
Executive Session - HB 526, Executive Session - HB 571,  
Executive Session - HB 578, Executive Session - HB 593,  
Executive Session - HB 799, Executive Session - HB 802

#### **SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE.

To be considered - HB 761, Executive Session - HB 170,  
Executive Session - HB 323, Executive Session - HB 550, Executive Session - HB 616

**STATE PARKS, NATURAL RESOURCES & MINING**

Wednesday, March 3, 1999, 3:00 pm. Hearing Rooms 3 and 4.

Executive session.

To be considered - HB 776, HB 908

**UTILITIES REGULATION**

Thursday, February 25, 1999, 8:15 am. Hearing Room 8. Executive session

may or may not follow.

To be considered - HB 790

**HOUSE CALENDAR**

**THIRTIETH DAY, THURSDAY, FEBRUARY 25, 1999**

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 32

**HOUSE BILLS FOR SECOND READING**

HB 952 through HB 964

**HOUSE BILLS FOR PERFECTION**

HB 516 - Gaw

HCS HB 490 - Hollingsworth

HCS HB 621 - Relford

HCS HB 316, 660 & 203 - Ladd Stokan

HCS HB 308 - Dougherty

HCS HB 351 & 295 - Scheve

HCS HB 166 - McLuckie

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HCS HB 26 & 117, as amended - Kreider

HCS HB 267, as amended, HA 6, pending - Hoppe

**HOUSE BILLS FOR PERFECTION - CONSENT**

(February 18, 1999)

HB 315 - Hosmer

HB 517 - Backer

HB 445 - Auer

HB 34 - Auer

HB 478 - Ward

HB 185 - Lakin

(February 22, 1999)

HB 662 - Crump  
HB 680 - Leake  
HB 514 - Franklin  
HB 678 - Leake  
HB 94 - Clayton  
HB 468 - Koller  
HB 300 - Green  
HB 407 - Robirds  
HB 366 - Hartzler (123)  
HB 64 - Long  
HB 646 - Hampton  
HB 459 - O'Toole  
HB 464 - Richardson  
HB 661 - Crump  
HB 724 - Crump  
HB 242 - May (108)  
HB 282 - Clayton  
HB 570 - Rizzo  
HB 453 - Gross

(February 23, 1999)

HB 473 - Legan  
HB 257 - Seigfreid  
HB 326 - Parker  
HB 290 - Champion

(February 25, 1999)

HB 568 - May (108)  
HB 487 - Hollingsworth  
HB 145 - Wiggins  
HB 589 - Graham (106)  
HB 446 - Auer  
HB 708 - Merideth  
HB 409 - McBride

#### HOUSE BILLS FOR THIRD READING

HS HCS HB 274, (Fiscal Review 2-22-99) - May (108)  
HCS HB 888, E.C. (Fiscal Review 2-24-99) - Leake  
HS HB 162 - Luetkenhaus



**HB 191, (Fiscal Review 2-24-99) - Dougherty**

**SENATE BILLS FOR SECOND READING**

**SB 28**

**SB 34**

**SB 169**

**SB 83**

**SB 105**

**SCS SB 159**

**HOUSE BILLS WITH SENATE AMENDMENTS**

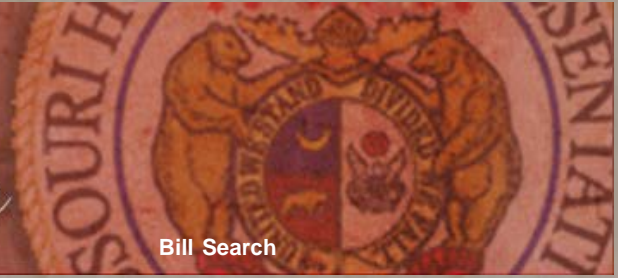
**SCS HCS HB 14 - Franklin**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

THIRTIETH DAY, Thursday, February 25, 1999

Speaker Gaw in the Chair.

Prayer by Representative Vicky Riback Wilson.

We cannot merely pray to You, O God, to end war; for we know that You have made the world in such a way that we each must find our own path to peace, within ourselves and with our neighbor.

We cannot merely pray to You, O God, to end starvation; for You have already given us the resources with which to feed the entire world, if we would only use them wisely.

We cannot merely pray to You, O God, to end disease; for You have already given us great minds with which to search out cures and healings, if we would only use them constructively.

We cannot merely pray to you, O God, to root out prejudice; for You have already given us eyes with which to see the good in all people, if we would only use them rightly.

We cannot merely pray to You, O God, to end despair for You have already given us the power to clear away slums and to give hope, if we would only use our power justly.

Therefore, we pray to You instead, O God, for strength, compassion, determination, and will power, to **do** instead of just to pray, to **become** instead of merely to wish.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Carl Hess, Ben Anselman, Ryan Aubuchon, Andy Doerr, Bill Hilse, Pete Petri, Davis Tichacek, Nick Timmermann, Chloe Maddux, Hannah Maddux, Elijah Maddux, Esther Maddux, Amber McGregore, Heather McGregore, Ian McGregore, Megan McGregore, Rox McGregore, Kathryn McGregore, Dacia Freeman, Joshua Freeman, Caleb Freeman, Aubree Freeman, Jessica Creed, Ryan Creed, Mitchell Cunningham, Sara Jefferies, Matt Price, Sarah Miller, Keri Albrecht, Elizabeth Coffey, Abigail Coffey and Scott Yancey.

The Journal of the twenty-ninth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 338 - Representative Reinhart

House Resolution No. 339 - Representative Naeger

House Resolution No. 340 - Representative Scott

House Resolution No. 341 - Representative Bartelsmeyer

## SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 32** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 952** through **HB 964** were read the second time.

## SECOND READING OF SENATE BILLS

**SB 28**, **SB 34**, **SB 83**, **SB 105**, **SCS SB 159** and **SB 169** were read the second time.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 191 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 274 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 888 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## THIRD READING OF HOUSE BILLS

**HS HCS HB 274**, relating to medical malpractice, was taken up by Representative May (108).

On motion of Representative May (108), **HS HCS HB 274** was read the third time and passed by the following vote:

AYES: 136

Abel Alter Auer Backer Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Blunt Bonner Boucher Boykins

Bray 84 Britt Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Enz Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Gambaro Gaskill Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Levin Liese Lograsso Loudon Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pryor Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 020

Akin Ballard Bartelsmeyer Boatright Burton  
Elliott Evans Hegeman Hohulin Legan  
Linton Long Luetkemeyer Marble Myers  
Pouche Purgason Sallee Summers Surface

PRESENT: 000

ABSENT WITH LEAVE: 006

Froelker George Gunn Hartzler 124 McLuckie  
Nordwald

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Backer, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.



**HCS HB 888**, relating to rural agricultural businesses, was taken up by Representative Leake.

On motion of Representative Leake, **HCS HB 888** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna Merideth Miller

Monaco Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Champion Froelker Gunn Hampton Kennedy  
McLuckie Nordwald

VACANCIES: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Foley Ford Foster Franklin Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McKenna Merideth Miller  
Monaco Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 005

Akin Hendrickson Hohulin Murphy Reid

PRESENT: 000

ABSENT WITH LEAVE: 010

Champion Fitzwater Fraser Froelker Gunn

Kennedy McClelland McLuckie Nordwald Patek

VACANCIES: 001

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**HS HB 162**, relating to unemployment insurance, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HS HB 162** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Liese  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Roberts Ross Sallee Scheve Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Dolan Froelker Gunn Kennedy  
Levin Linton McLuckie Nordwald Schilling

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

**HB 191**, relating to early cancer detection, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **HB 191** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Backer Ballard



Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Gambaro Gaskill George Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Hagan-Harrell Hampton Hanaway Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Auer

ABSENT WITH LEAVE: 012

Bray 84 Froelker Gibbons Gunn Harlan  
Hartzler 123 Kennedy Linton McClelland McLuckie  
Nordwald Scott

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

## PERFECTION OF HOUSE BILLS

**HCS HBs 351 & 295**, relating to pharmaceutical tax credit, was taken up by Representative Scheve.

Representative Scheve offered **HS HCS HBs 351 & 295**.

Representative Bray offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bills Nos. 351 & 295, Page 4, by deleting all of said lines and inserting in lieu thereof the following:

143.151. A resident shall be allowed a deduction of [one thousand two hundred] **two thousand one hundred** dollars for himself **or herself** and [one thousand two hundred dollars] for [his] **such resident's** spouse if he **or she** is entitled to a deduction for such personal exemptions for federal income tax purposes. **This section shall apply to all taxable years beginning after December 31, 1998.**".

Representative Gibbons offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bills Nos. 351 & 295, Page 4, by deleting all of said lines and inserting in lieu thereof the following:

143.151. A resident shall be allowed a deduction of [one thousand two hundred] **two thousand seven hundred** dollars for himself **or herself** and [one thousand two hundred dollars] for [his] **such resident's** spouse if he **or she** is entitled to a deduction for such personal exemptions for federal income tax purposes. **This section shall apply to all taxable years beginning after December 31, 1998.**".

On motion of Representative Gibbons, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Kennedy offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 1, Section 1, Line 5 by inserting before said line the following:

"144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed

pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. **For the purpose of this section, except for vending machine sales, the term "food" shall not include food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.**

3. Any person required to collect and remit the sales or use tax on food pursuant to the provisions of this section shall be entitled to a refund from the general revenue fund equal to three percent of all state and local sales and use taxes collected by such person on or after October 1, 1997, and prior to September 30, 1998, and remitted by such person on or before the date when the same becomes due in accordance with the provisions of sections 144.080, 144.081, 144.090 and 144.655, on the retail sale of food as defined in this section. This refund shall be in addition to the amount allowed in section 144.140 and shall be made without interest. Such refund shall be made only if such person files a correctly completed claim for refund on or before September 30, 1999, accompanied by such information as the director may require. The director of revenue shall promulgate such rules and regulations pursuant to the provisions of section 144.270 as are necessary to facilitate efficient administration of the refund authorized in this section. For the purposes of this subsection, "local sales taxes" shall mean any tax levied, assessed, or payable pursuant to the provisions of the "local sales tax law" as defined in section 32.085, RSMo, "local use taxes" shall mean any tax levied, assessed, or payable pursuant to the provisions of sections 144.757 to 144.761, and "state sales and use taxes" shall mean any tax levied pursuant to the provisions of sections 144.010 to 144.525 and sections 144.600 to 144.746."; and Further amend the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Kennedy, **House Amendment No. 2** was adopted.

Representative Barry offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bills Nos. 351 & 295, Page 1, In the Title, Lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof four new sections relating to tax relief, with an effective date for a certain section."; and

Further amend said bill, Page 1, Section 1, Line 5, by inserting immediately before all of said line as the line preceding said line the following:

"Section A. Sections 135.550 and 135.600, RSMo Supp. 1998, are repealed and four new sections enacted in lieu thereof, to be known as sections 135.550, 135.600, 1 and 2 to read as follows:

135.550. 1. As used in this section, the following terms shall mean:

(1) **"Contribution", a donation of cash, stock, bonds or other marketable securities;**

(2) **"Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;**

[(2)] (3) **"State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

[(3)] (4) **"Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation**



subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year [is] **has a value of** at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. **Shelters for victims of domestic violence shall be permitted to decline a contribution from a taxpayer.** The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, [1998] **2000**, and shall apply to all tax years after December 31, [1997] **1999**.

135.600. 1. As used in this section, the following terms shall mean:

**(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**

[(1)] **(2) "Maternity home"**, a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

[(2)] **(3) "State tax liability"**, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

[(3)] **(4) "Taxpayer"**, a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in



such taxpayer's taxable year [is] **has a value of** at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. **Maternity homes shall be permitted to decline a contribution from a taxpayer.** The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, [1998] **2000**, and shall apply to all tax years after December 31, [1997] **1999**."

On motion of Representative Barry, **House Amendment No. 3** was adopted.

Representative Thompson (72) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 4, Section 2, Line 21 by inserting after said line the following:

**"Section 1. 1. A taxpayer shall be eligible for a tax credit against taxes otherwise due pursuant to chapter 143, RSMo, except sections 143.191 to 143.265, RSMo, as an incentive to taxpayers to give gifts of personal property to persons whose income is below the federal poverty level. The tax credit shall be equal to an amount of up to ten thousand dollars for each gift made to a person whose income is below the federal poverty level.**

**2. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit pursuant to this section in excess of fifty thousand dollars per taxable year. The credit shall be claimed by the taxpayer in the tax year in which such gifts were made and shall be claimed at the time the taxpayer files a tax return. Any tax credit that cannot be fully claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**3. The director of the department of social services shall, by rule, establish a procedure by which a taxpayer can determine if a person is classified as having an income below the federal poverty level, and by which such taxpayer can then give a gift of personal property to such person and claim a tax credit pursuant to this section.**

**4. The taxpayer claiming the credit shall file as part of the tax return any documentation the director of the department of revenue determines necessary to confirm the taxpayer's eligibility for the credit. The director of the department of revenue may promulgate rules and regulations for administration of this section.**

**5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. ; and**

Further amend the title and enacting clause accordingly.

On motion of Representative Thompson (72), **House Amendment No. 4** was adopted.

Representative Lograsso offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 4, Section 1, Line 21, by adding at the end of said page the following:

Section A. Section 143.011, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 143.011, to read as follows:

143.011. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. **For taxable years beginning after December 31, 1999**, the tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is: The tax is:

Not over \$1,000.00 ..... **1** [1/2]% of the Missouri taxable income

Over \$1,000 but not over \$2,000 ..... **\$10** [\$15] plus [2] **1 1/2**% of excess over \$1,000

Over \$2,000 but not over \$3,000 ..... **\$25** [\$35] plus 2 []% of excess over \$2,000

Over \$3,000 but not over \$4,000 ..... **\$45** [\$60] plus [3] **2 1/2**% of excess over \$3,000

Over \$4,000 but not over \$5,000 ..... **\$70** [\$90] plus 3 []% of excess over \$4,000

Over \$5,000 but not over \$6,000 ..... **\$100** [\$125] plus [4] **3 1/2**% of excess over \$5,000

Over \$6,000 but not over \$7,000 ..... **\$135** [\$165] plus 4 []% of excess over \$6,000

Over \$7,000 but not over \$8,000 ..... **\$175** [\$210] plus [5] **4 1/2**% of excess over \$7,000

Over \$8,000 but not over \$9,000 ..... **\$220** [\$260] plus 5 []% of excess over \$8,000

Over \$9,000 ..... **\$270** [\$315] plus [6] **5 1/2**% of excess over \$9,000

Section B. Because immediate action is necessary in order to prevent further violation of article X, section 18 of the Missouri Constitution, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

On motion of Representative Lograsso, **House Amendment No. 5** was adopted.

Representative Williams (121) offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 1, Section 1, Line 5 by inserting before said line the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be [his] **such taxpayer's** federal adjusted gross income subject to the modifications in this section.

2. There shall be added to [his] **such taxpayer's** federal adjusted gross income:

- (a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;
- (b) Interest on certain governmental obligations excluded from federal gross income by section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added under this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars.

3. There shall be subtracted from [his] **such taxpayer's** federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

- (a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes [under] **pursuant to** the laws of the United States. The amount subtracted [under] **pursuant to** this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining [his] **such taxpayer's** federal adjusted gross income or included in [his] **such taxpayer's** Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;
- (b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;
- (c) The amount necessary to prevent the taxation under sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed [under] **pursuant to** the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;
- (d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;
- (e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;
- (f) The portion of capital gain specified in [subsection 3 of] section 135.357, RSMo, that would otherwise be included in federal adjusted gross income[.];
- (g) The amount of any annuities, pensions or retirement allowances annually provided to the taxpayer by any law of the United States and by any law of this state to military retirees who served in any branch of the military.

4. There shall be added to or subtracted from [his] **such taxpayer's** federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from [his] **such taxpayer's** federal adjusted gross income the modifications provided in section 143.411.

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, [the United States, or], **except those benefits specifically subtracted from federal adjusted gross income by section 143.121, or provided by any law of** any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and [under] **pursuant to** the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by [the United States,] this state, **except those benefits specifically subtracted from federal adjusted gross income by section 143.121** any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by [the United States,] this state, **except those benefits specifically subtracted from federal adjusted gross income by section 143.121** any other state or any political subdivision or agency or institution of this or any other state.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

- (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or
- (2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or



(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. [But] Social security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

6. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo." and Further amend the title and enacting clause accordingly.

On motion of Representative Williams (121), **House Amendment No. 6** was adopted.

Representative McClelland offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 4, Section 2, Line 21 by inserting after said line the following:

**"Section 1. 1. An individual resident taxpayer that has made payments for any real property taxes imposed on any real property owned by the taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to ten percent of such real property tax payments actually made during the taxable year.**

**2. The tax credit allowed by this section shall be claimed by the taxpayer in the tax year in which such real property tax payments were made and shall be claimed at the time the taxpayer files a tax return. Where the amount of the credit exceeds tax liability, the difference between the credit and the tax liability shall not be refunded to the taxpayer.**

**3. Any taxpayer claiming a credit pursuant to this section shall file as part of the taxpayer's return any documentation the director of the department of revenue determines necessary to confirm that the taxpayer has made the real property tax payments for which the credit is claimed.**

**4. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective**



unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. ; and

Further amend the title and enacting clause accordingly.

On motion of Representative McClelland, **House Amendment No. 7** was adopted.

Representative Levin offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 4, Section 2, Line 21 by inserting after said line the following:

**"Section 3. In addition to the exemptions granted pursuant to the provisions of section 144.030, RSMo, there shall also be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo, and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo, all sales of over-the counter nonprescription medications to person sixty-five years of age or older.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Levin, **House Amendment No. 8** was adopted.

Representative Green offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 and 295, Page 4, Section 2, Line 21, by inserting after all of said line the following:

**"Section 3. 1. As used in this act, the following terms shall mean:**

**(1) "Director", director of the department of economic development;**

**(2) "Scholarship charity", a charitable organization in this state that is exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code, as amended, and that allocates at least ninety percent of its annual revenue for educational scholarships to children to allow them to attend a qualified school. For purposes of this section, the phrase "qualified school" means any elementary or secondary school of a child's parents' choice which is situated in this state and does not discriminate on the basis of race, color, handicap, national origin or ancestry which a child may attend to meet the requirements of section 167.031, RSMo. To qualify as a scholarship charity the charitable organization shall provide educational scholarships to students without limiting availability to students attending a particular school and shall give preference to students of families who demonstrate financial need;**

**(3) "Taxpayer", a person, individual, firm, a partner in a firm, corporation or shareholder in a corporation.**

**2. Any taxpayer which makes voluntary cash contributions to a scholarship charity shall receive a credit against the tax otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of all such contributions made during such taxpayer's taxable year; except that no taxpayer shall claim a credit pursuant to this section for any contribution made by the taxpayer or, in the case of a business taxpayer, an agent of the taxpayer, on behalf of the taxpayer's dependent, or in the case of a business taxpayer, on behalf of the agent's dependent.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried forward to any of the taxpayer's four subsequent taxable years.**

**4. The cumulative amount of tax credits allowed pursuant to this section shall not exceed five million dollars per fiscal year.**

**5. The director shall determine, at least annually, which charities in this state may be classified as scholarship charities. The director may require a charity seeking classification as a scholarship charity to provide any information reasonably necessary to make such a determination. The director shall classify a charity as a scholarship charity if**

such charity meets the criteria provided in subdivision (2) of subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a charity has been classified as a scholarship charity, and by which such taxpayer can then contribute to such scholarship charity and claim a tax credit pursuant to this section.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all charities classified as scholarship charities. If a scholarship charity fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those scholarship charities that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

On motion of Representative Green, **House Amendment No. 9** was adopted.

Representative Champion offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 and 295, Page 4, Section 2, Line 21, by inserting after all of said line the following:

**"Section 3. Notwithstanding any other provision of law to the contrary, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.124, RSMo, the first six thousand dollars from any retirement allowances received from any privately funded sources for each tax year beginning on or after January 1, 1999.**

**Section 4. Notwithstanding any other provision of law to the contrary, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.124, RSMo, the first six thousand dollars from all retirement allowances received from both privately and publicly funded sources for each tax year beginning on or after January 1, 2000."**

On motion of Representative Champion, **House Amendment No. 10** was adopted.

Representative Campbell offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 4, Section 2, Line 21 by inserting after said line the following:

**"Section 3. 1. The governing body of any city or county of this state may, by adoption of an ordinance by such governing body, exempt qualified sales of food as defined in section 144.014, RSMo, from local sales taxes imposed by such city or county and collected by the director of the department of revenue pursuant to sections 32.085 and 32.087.**

**2. Upon adoption of an ordinance pursuant to this section, the governing body shall notify the director within three calendar months prior to the effective date of the exemption. The exemption shall only become effective upon the beginning of any calendar quarter.**

**3. The exemption shall only be allowed for the total local sales tax imposed by any city or county adopting such exemption."; and**

Further amend the title and enacting clause accordingly.

Representative Lograsso raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Campbell, **House Amendment No. 11** was adopted.

Representative Reid offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 4, Section 2, Line 21 by inserting after said line the following:

**"Section 3. 1. For all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal taxable income and to the extent such amount is not otherwise deductible from the individual's Missouri taxable income pursuant to Missouri law.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Reid, **House Amendment No. 12** was adopted.

Representative Evans offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 & 295, Page 1, Section 1, Line 5 by inserting before said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, **and on or after January 1, 2000**, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, **but before January 1, 2000**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.";

Further amend the title and enacting clause accordingly.

Representative Evans moved that **House Amendment No. 13** be adopted.



Which motion was defeated.

Representative Gambaro offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 351 and 295, Page 4, Section 2, Line 21 of said page, by inserting after all of said line the following:

"Section 3. 1. Any business firm, as defined in section 32.105, RSMo, may make a donation of high technology equipment to a school district. A donating business firm shall receive a tax credit as provided in this section equal to fifty percent of the amount of the donation, not to exceed ten thousand dollars per calendar year. The department of elementary and secondary education shall determine, by rule, the definition and the value of high technology equipment.

2. The department of elementary and secondary education may declare by rule that a school district has a high percentage of high-risk students in which case the donating business firm shall receive a tax credit equal to seventy-five percent of the amount of the donation, not to exceed ten thousand dollars.

3. The department of revenue shall grant tax credits approved pursuant to this section which shall be applied in the order specified in subsection 1 of section 32.115, RSMo, until used. The tax credits provided pursuant to this section shall not be refundable, and any tax credit not used in the fiscal year in which approved may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed.

4. No tax credit authorized pursuant to this section may be applied against any tax applied in a tax year beginning prior to January 1, 2000.

5. The total amount of tax credits authorized pursuant to this section shall not exceed two million five hundred thousand dollars.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

7. The provisions of this section shall expire December 31, 2003.

Section 4. 1. Any business firm, as defined in section 32.105, RSMo, may make a donation to a school district library. A donating business firm shall receive a tax credit as provided in this section equal to fifty percent of the amount of the donation, not to exceed ten thousand dollars per calendar year for the adoption of a school library by purchasing books, materials, computers, Internet services and equipment and keeping such library updated. The department of elementary and secondary education shall determine the value of all services and goods donated.

2. The department of revenue shall grant tax credits approved pursuant to this section which shall be applied in the order specified in subsection 1 of section 32.115, RSMo, until used. The tax credits provided pursuant to this section shall not be refundable, and any tax credit not used in the fiscal year in which approved may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed.

3. No tax credit authorized pursuant to this section may be applied against any tax applied in a tax year beginning prior to January 1, 2000.

4. The total amount of tax credits authorized pursuant to this section shall not exceed two million five hundred thousand dollars.

5. The provisions of this section shall expire December 31, 2003."

On motion of Representative Gambaro, **House Amendment No. 14** was adopted.

**HCS HBs 351 & 295, with HS, as amended, pending**, was placed on the Informal Calendar.

**HB 516**, relating to income tax personal exemption, was taken up by Representative Bray.

Representative Bray offered **HS HB 516**.

Representative Farnen offered **House Amendment No. 1**.

*House Amendment No. 1*



AMEND House Substitute for House Bill No. 516, Page 1, Lines 2 through 5 in the title by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 143.151, RSMo 1994, relating solely to personal exemptions for individuals for individual income tax and to enact in lieu thereof one new section relating to the same subject."; and

Further amend said substitute, Page 1, Section 143.151, Line 12 by deleting the words "**one thousand nine hundred**" and inserting in lieu thereof the words "**two thousand**";.

Representative Graham (24) offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 516, Page 1, Lines 2 through 5 in the title by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 143.151, RSMo 1994, relating solely to personal exemptions for individuals for individual income tax and to enact in lieu thereof one new section relating to the same subject."; and

Further amend said substitute, Page 1, Section 143.151, Line 12 by deleting the words "**one thousand nine hundred**" and inserting in lieu thereof the words "**two thousand one hundred**"; and

On motion of Representative Graham (24), **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

On motion of Representative Bray, **HS HB 516, as amended**, was adopted.

On motion of Representative Bray, **HS HB 516, as amended**, was ordered perfected and printed.

#### LETTER OF OBJECTION

**February 23, 1999**

**Anne Walker**

**Chief Clerk**

**Missouri House of Representatives**

**State Capitol**

**Jefferson City, MO 65101**

**We the undersigned do hereby object to the status of HB 459 as a consent bill.**

**/s/ Rep. John Loudon 88th District**

**/s/ Rep. Louis Ford 58th District**

/s/ Rep. Jon Bennett 15th District

/s/ Rep. Fletcher Daniels 41st District

/s/ Rep. Jewell Patek 7th District

#### REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated pursuant to Rule 48:

HB 459 - Rules, Joint Rules and Bills Perfected and Printed

The following House Bill was referred to the Committee indicated:

HB 828 - Missouri Tobacco Settlement

#### COMMITTEE REPORTS

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) HB 315, HB 517, HB 445, HB 34, HB 478 and HB 185, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Committee on Agriculture, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred HB 146, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment No. 1.

#### *House Committee Amendment No. 1*

AMEND House Bill No. 146, Page 2, Section 278.240, Line 21, by inserting immediately after the word "concerning" the following:

"condemnation proceedings pursuant to chapter 523, RSMo,"; and

Further amend said bill, Page 3, Section 278.245, Line 6, by deleting the word "or" and inserting in lieu thereof the following: "[or] except".

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 788, HB 428 and HB 106, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Critical Issues, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred HB 826, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Ethics, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred THE CONSERVATIVE ORDER FOR WOMEN CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

January 27, 1999

**TO: Representative Robert Clayton, Chairman, Ethics Committee**

**FROM: Representative Luann Ridgeway**

**RE: Approval of Caucuses**

**Pursuant to your memo regarding House caucus approval, please consider this letter as a formal application to the Committee on Ethics to establish the following caucuses:**

- 1. The Conservative Order for Women**
- 2. True Republicans United Through Honor (TRUTH)**
- 3. The Freedom Caucus**

**A listing of the Conservative Order for Women, the True Republicans United Through Honor, and the Freedom Caucus are attached.**

**I would also like to request a hearing for approval of these caucuses at your convenience. Please notify me of the time, date, and location of the hearing.**

**I look forward to your response.**

**/s/ Luann Ridgeway**

**1999 CONSERVATIVE ORDER FOR WOMEN**

**NAME: DISTRICT:**

**Luann Ridgeway 35**

**Annie Reinhart 34**

**Connie J. Cierpiot 52**

**Vicky Hartzler 124**

**Catherine Hanaway 87**

**Norma Champion 134**

**Judy Berkstresser 141**

**Linda Bartelsmeyer 132**

**Jim Howerton 120**

**Bubs Hohulin 126**

**Chuck Purgason 151**

**Daniel J. Hegeman 5**

**Mark Richardson 154**

**David Klindt 3**

**Don Lograsso 54**

**Don Summers 2**

**Catherine Enz 99**

**Beth Long 146**

**Mary Kasten 158**

**Mr. Speaker: Your Committee on Ethics, to which was referred THE FREEDOM CAUCUS, begs leave to report it has**

examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

**1999 FREEDOM CAUCUS**

**NAME: DISTRICT:**

Dan Hegeman 5

Don Lograsso 54

Luann Ridgeway 35

Jim Howerton 120

Chuck Pryor 116

Don Summers 2

Judy Berkstresser 141

Ronnie Miller 133

Annie Reinhart 34

Cathy Enz 99

Bubs Hohulin 126

Charlie Shields 28

Chuck Purgason 151

Mark Richardson 154

Michael Reid 78

David Klindt 3

Connie J. Cierpiot 52

Vicky Hartzler 124

Matt Bartle 56

Carson Ross 55

John Loudon 88

Matt Blunt 139

Mr. Speaker: Your Committee on Ethics, to which was referred THE TRUE REPUBLICANS UNITED THROUGH TRUTH CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

**TRUE REPUBLICANS UNITED THROUGH HONOR (TRUTH)**

**NAME: DISTRICT:**

Chuck Pryor 116

Don Summers 2

Luann Ridgeway 35

Jim Howerton 120



Judy Berkstresser 141

Annie Reinhart 34

Bubs Hohulin 126

Charlie Shields 28

Chuck Purgason 151

Daniel Hegeman 5

Mark Richardson 154

Michael Reid 78

David Klindt 3

Connie J. Cierpiot 52

Vicky Hartzler 124

Matt Bartle 56

Mark Wright 137

Catherine Hanaway 87

Carson Ross 55

Don Lograsso 54

Matt Blunt 139

Mr. Speaker: Your Committee on Ethics, to which was referred THE SOPHOMORE CLASS DEMOCRATIC CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

February 4, 1999

TO: Robert Clayton, Chairman

House Committee on Ethics

FROM: Representative Bill Ransdall

Sophomore Class Democratic Caucus

Pursuant to Section 105.470, attached is a list of the members of the Sophomore Class Democratic Caucus.

Thank you for your consideration in recognizing this group as an official caucus.

Pursuant to Section 105.470, listed below are the members of the Sophomore Class Democratic Caucus.

District 148 /s/ Rep. Bill Ransdall

Rm. 410B 751-1727

District 39 /s/ Rep. Marsha Campbell

Rm. 405B 751-4485

District 122 /s/ Rep. D. J. Davis

Rm. 406A 751-1500

District 24 /s/ Rep. Chuck Graham

Rm. 111 751-2162

District 64 /s/ Rep. Robert Hilgemann

Rm. 114B 751-1400

District 101 /s/ Rep. Kate Hollingsworth

Rm. 235BA 751-1311

District 66 /s/ Rep. Harry Kennedy

Rm. 114A 751-2126

District 29 /s/ Rep. Maurice Lawson

Rm. 130DA 751-9460

District 150 /s/ Rep. Kelly Parker

Rm. 304A 751-2108

District 26 /s/ Rep. Jim Seigfreid

Rm. 236A 751-2204

District 74 /s/ Rep. Betty Thompson

Rm. 134 751-4265

District 25 /s/ Rep. Vicky Riback Wilson

Rm. 110A 751-1169

Mr. Speaker: Your Committee on Ethics, to which was referred ADDITION OF DORATHEA DAVIS TO COMMITTEE CHAIR CAUCUS, begs leave to report it has examined the same and approves it pursuant to 105.473.3(2)(c)d RSMo.

Committee on Missouri Tobacco Settlement, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Missouri Tobacco Settlement, to which was referred HB 814, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Municipal Corporations, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred HB 261, begs leave to report it has examined the same and recommends that it Do Pass.

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred HB 686, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred HB 866, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred HB 867, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Utilities Regulation, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred HB 587, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Ways and Means, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred HB 120, begs leave to report it has examined the same and recommends that it Do Pass.

## **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 33, introduced by Representatives Bonner and Cierpiot, relating to the state auditor.

## **INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and copies ordered printed:

HB 17, introduced by Representative Franklin, to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

HB 965, introduced by Representative Riback Wilson, relating to the Missouri investment trust.

HB 966, introduced by Representative Smith, relating to disaster leave.

HB 967, introduced by Representative Hosmer, relating to driving after conviction of an intoxication-related driving offense.

HB 968, introduced by Representative Koller, relating to highway enhancement for the purposes of economic development.

HB 969, introduced by Representatives Daniel (42), Gaw, Franklin, Hickey, Green, Days and Champion, relating to the joint committee on economic development policy and planning.

HB 970, introduced by Representatives Hampton, Leake and Koller, et al, relating to the licensing and regulation of veterinarians.

HB 971, introduced by Representative Shelton, relating to airports.

HB 972, introduced by Representatives Hohulin, Vogel, Howerton and Purgason, relating to immunity from liability for certain officers or members of certain charitable organizations in certain situations.

HB 973, introduced by Representatives Boucher, Liese, Thompson (37), Schilling, Riback Wilson, Troupe, Thompson (72) and Daniel (42), et al, relating to the death penalty.

HB 974, introduced by Representative Reynolds, relating to the St. Louis County boundary commission.

HB 975, introduced by Representative Patek, relating to the college guarantee program.

HB 976, introduced by Representative Patek, relating to school finance.

HB 977, introduced by Representative Hoppe, relating to liens and encumbrances on motor vehicles.

HB 978, introduced by Representative Hilgemann, et al, relating to the Y2K millennium bug.

HB 979, introduced by Representative Auer, relating to the public school retirement systems in certain school districts.

HB 980, introduced by Representative Patek, relating to average daily attendance of pupils.

HB 981, introduced by Representative Wiggins, relating to the rural communities economic assistance program.

HB 982, introduced by Representative Hosmer, relating to the department of corrections.

HB 983, introduced by Representative Green, relating to time periods for reporting certain campaign contributions.

HB 984, introduced by Representative Gibbons, relating to tax refunds.

HB 985, introduced by Representatives Selby and Wagner, relating to membership qualifications for certain boards.

## COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representatives Dougherty, Evans, and Lawson have been appointed members of the Missouri Tobacco Settlement Committee.

Representatives Hendrickson and Shelton have been appointed members of the Critical Issues Committee.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 4, entitled:

An act to repeal section 92.402, RSMo Supp. 1998, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 219, entitled:

An act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight line companies, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 175, entitled:

An act to repeal section 443.851, RSMo Supp. 1998, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 218, entitled:

An act to repeal sections 174.450 and 174.453, RSMo 1998, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 234, entitled:

An act to amend chapter 286, RSMo, by adding thereto one new section relating to the department of labor and industrial relations, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and



passed SB 237, entitled:

An act to repeal section 211.421, RSMo 1994, relating to endangering the welfare of a child, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 360, entitled:

An act to repeal sections 455.067 and 455.083, RSMo Supp. 1998, relating to interstate orders of protection, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, March 1, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-ninth Day, Wednesday, February 24, 1999, page 509, line 16, by deleting said line and inserting in lieu thereof the following: "HB 905 - Public Safety and Law Enforcement".

Pages 496 and 497, roll call, by showing Representative Shields voting "aye" rather than "absent with leave".

Pages 497 and 498, roll call, by showing Representatives Berkstresser, Levin, Liese and Murray voting "aye" rather than "absent with leave".

Pages 497 and 498, roll call, by showing Representative King voting "no" rather than "absent with leave".

Pages 498 and 499, roll call, by showing Representatives Bennett, Hosmer and Summers voting "aye" rather than "absent with leave".

Pages 500 and 501, roll call, by showing Representatives Foley, George, Naeger, Patek and Ridgeway voting "aye" rather than "absent with leave".

Pages 501 and 502, roll call, by showing Representatives Kreider and Scheve voting "aye" rather than "absent with leave".

Pages 502 and 503, roll call, by showing Representative Summers voting "aye" rather than "absent with leave".

Pages 503 and 504, roll call, by showing Representatives Hoppe and Reynolds voting "aye" rather than "absent with leave".

Pages 506 and 507, roll call, by showing Representatives Barnett and O'Connor voting "no" rather than "absent with leave".

Pages 506 and 507, roll call, by showing Representatives Hosmer and Loudon voting "aye" rather than "absent with leave".

#### COMMITTEE MEETINGS

APPROPRIATIONS - SOCIAL SERVICES & CORRECTIONS - SUB-COMMITTEE

Monday, March 1, 1999, 7:00 pm. Hearing Room 5. Proposed bill language.

#### **BANKS AND FINANCIAL INSTITUTIONS**

Monday, March 1, 1999. Room 411B upon adjournment.

To be considered - Executive Session - HB 811, Executive Session - HB 822

#### **BUDGET**

Monday, March 1, 1999, 12:00 pm. Hearing Room 6.

To be considered - HB 7, HB 9, HB 10, HB 11, HB 12

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, March 3, 1999. Hearing Room 1 and 2 upon morning adjournment.

To be considered - HB 199, HB 426, HB 763, HB 796, HB 892, Executive

Session - HB 737, Executive Session - HB 741, Executive Session - HB 852

#### **CONSUMER PROTECTION AND HOUSING**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 7. Executive session.

To be considered - HB 739, HB 882

#### **CRIMINAL LAW**

Wednesday, March 3, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 85, HB 327, HB 328, HB 717, HB 760, HB 806

#### **CRITICAL ISSUES**

Monday, March 1, 1999, 8:00 pm. Hearing Room 6. Executive session may follow.

To be considered - HB 200, HB 667, HB 837, HB 838, HB 841, HB 858, HB 876

#### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, March 2, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 654, HB 730, HB 744, Executive Session - HB 105,

Executive Session - HB 689, Executive Session - HB 720, Executive Session

- HB 818, Executive Session - HB 889

#### **EDUCATION - HIGHER**

Monday, March 1, 1999. Side gallery upon adjournment. Executive session will follow.

To be considered - HB 920

#### **ELECTIONS**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 182, HB 313, HB 345, HB 549, HB 608, HB 780

#### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Monday, March 1, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 930

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, March 1, 1999, 2:30 pm. Hearing Room 7. Contested fiscal notes.

To be considered - HB 166, SB 156

#### JUDICIARY

Tuesday, March 2, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - HB 334, HB 535

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 2, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session may follow.

To be considered - HB 337, HB 476, HB 677, HB 702, HB 706, HB 756, HB 773,  
HB 812, HB 817, HB 853

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 2, 1999, 2:00 pm. Hearing Room 7.

To be considered - HB 440, HB 495, HB 537, HB 585, HB 698, HB 727

#### PUBLIC HEALTH

Wednesday, March 3, 1999, 8:30 am. Hearing Rooms 1 and 2. Possible  
executive session on House Bills 128, 278, 544, 631 and 634.

To be considered - HB 721, HB 746, HB 766, HB 845

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, March 2, 1999, 8:30 am. Hearing Room 5. Executive session may follow.

To be considered - HB 895, HB 497, HB 573, HB 905, HB 813

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE.

To be considered - HB 761, HB 899, Executive Session - HB 170, Executive  
Session - HB 550, Executive Session - HB 616, Executive Session - HB 632

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, March 3, 1999, 2:00 pm. Hearing Rooms 3 and 4. Executive session.

CORRECTED NOTICE.

To be considered - HB 776, HB 908

#### SUBCOMMITTEE ON INMATE CALLING

Monday, March 8, 1999, 1:00 pm. Hearing Room 5.

To be considered - HB 601

#### SUBCOMMITTEE ON PUBLIC HEALTH

Monday, March 1, 1999, 2:30 pm. Hearing Room 5.

To be considered - HB 278

#### WAYS AND MEANS

Tuesday, March 2, 1999. Hearing Rooms 3 and 4 upon morning adjournment.

Executive session may follow.

To be considered - HB 93, HB 118, HB 121, HB 179, HB 520, HB 609, HB 641,

HB 647, HB 830, HJR 7, HJR 13

#### HOUSE CALENDAR

THIRTY-FIRST DAY, MONDAY, MARCH 1, 1999

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 33

#### HOUSE BILLS FOR SECOND READING

HB 965 through HB 985

#### HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 17

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 490 - Hollingsworth

2 HCS HB 621 - Relford

3 HCS HB 316, 660 & 203 - Ladd Stokan

4 HCS HB 308 - Dougherty

5 HCS HB 166 - McLuckie

#### HOUSE BILLS FOR PERFECTION - INFORMAL

1 HCS HB 26 & 117, as amended - Kreider

2 HCS HB 267, as amended, HA 6, pending - Hoppe

3 HCS HB 351 & 295, HS, as amended, pending - Scheve

#### HOUSE BILLS FOR PERFECTION - CONSENT

(February 22, 1999)

1 HB 662 - Crump



- 2 HB 680 - Leake
- 3 HB 514 - Franklin
- 4 HB 678 - Leake
- 5 HB 94 - Clayton
- 6 HB 468 - Koller
- 7 HB 300 - Green
- 8 HB 407 - Robirds
- 9 HB 366 - Hartzler (123)
- 10 HB 64 - Long
- 11 HB 646 - Hampton
- 12 HB 464 - Richardson
- 13 HB 661 - Crump
- 14 HB 724 - Crump
- 15 HB 242 - May (108)
- 16 HB 282 - Clayton
- 17 HB 570 - Rizzo
- 18 HB 453 - Gross

(February 23, 1999)

- 19 HB 473 - Legan
- 20 HB 257 - Seigfreid
- 21 HB 326 - Parker
- 22 HB 290 - Champion

(February 25, 1999)

- 23 HB 568 - May (108)
- 24 HB 487 - Hollingsworth
- 25 HB 145 - Wiggins
- 26 HB 589 - Graham (106)
- 27 HB 446 - Auer
- 28 HB 708 - Merideth
- 29 HB 409 - McBride

#### HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 315 - Hosmer
- 2 HB 517 - Backer
- 3 HB 445 - Auer
- 4 HB 34 - Auer
- 5 HB 478 - Ward
- 6 HB 185 - Lakin

**SENATE BILLS FOR SECOND READING**

**1 SB 4**

**2 SCS SB 175**

**3 SCS SB 218**

**4 SB 219**

**5 SCS SB 234**

**6 SB 237**

**7 SB 360**

**HOUSE BILL WITH SENATE AMENDMENTS**

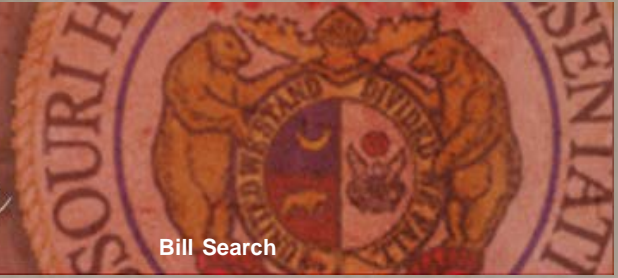
**SCS HCS HB 14 - Franklin**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-FIRST DAY, Monday, March 1, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Denny Merideth.

Heavenly Father,

We pause for a moment to reflect upon the greatness of life, to look about these magnificent halls, to feel the warmth of the sun through these beautifully stained glass windows, and to give thanks for the thrill of being alive. We shall be eternally grateful for Your gracious gifts and abundant blessings. This indeed is another great day!!!

Help us, O Lord, to be ever mindful though of those we serve. Give us the wisdom to do their bidding for it is their lives that our actions will affect. Keep us humble so that we may listen and learn. Give us the strength to represent the view of our people back home. Keep us honest so that we can stay free. Give us the character to valiantly lead and not grow weary. Help us to walk a straight line and maintain a sense of values.

We also ask for You to watch over former Representative Opal Parks as she begins yet another recovery. This we humbly pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirtieth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 342 and House Resolution No. 343 - Representative Levin

House Resolution No. 344 - Representative Crawford

House Resolution No. 345 and House Resolution 346 - Representative Scott

House Resolution No. 347 - Representative Klindt

House Resolution No. 348 - Representative Miller

House Resolution No. 349 - Representative Cierpiot

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 33** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 965** through **HB 985** were read the second time.

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 17** was read the second time.

**SECOND READING OF SENATE BILLS**

**SB 4**, **SCS SB 175**, **SCS SB 218**, **SB 219**, **SCS SB 234**, **SB 237** and **SB 360** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 516**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HB 516** - Fiscal Review (Fiscal Note)

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 146

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn



Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lawson Leake Legan  
Levin Liese Linton Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Richardson Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 003

Blunt Patek Wright

PRESENT: 004

Lograsso Long Reynolds Ridgeway

ABSENT WITH LEAVE: 009

Auer Cooper Franklin Froelker Hohulin

Hoppe Hosmer Lakin Rizzo

VACANCIES: 001

#### HOUSE BILL WITH SENATE AMENDMENT

**SCS HCS HB 14**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin moved that the House refuse to adopt **SCS HCS HB 14**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### THIRD READING OF HOUSE BILLS - CONSENT

**HB 315**, relating to license plates for the physically disabled, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 315** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 005

Lograsso Luetkemeyer Myers Ridgeway Townley

PRESENT: 000

ABSENT WITH LEAVE: 005

Auer Cooper Foley Hoppe Thompson 37

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Shelton moved that motion lay on the table.

The latter motion prevailed.

**HB 517**, relating to motorcycle safety, was taken up by Representative Backer.

On motion of Representative Backer, **HB 517** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Ford Foster Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Bennett

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Cooper Foley Franklin Fraser  
Hoppe Legan McClelland

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hickey, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**HB 445**, relating to medical malpractice insurance, was placed on the Informal Consent Calendar.

**HB 34**, relating to insurance, was placed on the Informal Consent Calendar.

**HB 478**, relating to managing general insurance agents, was taken up by Representative Ward.

On motion of Representative Ward, **HB 478** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Crawford Crump Daniel 42 Daniels 41



Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 002

Clayton Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Cooper Foley Franklin Green

Hoppe McClelland

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**HB 185**, relating to impaired drivers, was taken up by Representative Lakin.

On motion of Representative Lakin, **HB 185** was read the third time and passed by the following vote:

AYES: 107

Abel Alter Backer Barnett Barry 100  
Bennett Berkowitz Black Bonner Boucher  
Boykins Britt Burton Campbell Carter  
Champion Clayton Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Ford Franklin Fraser Froelker Gambaro  
George Graham 106 Graham 24 Gratz Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hickey Hilgemann Holand Hollingsworth  
Hosmer Howerton Kennedy Kissell Klindt  
Koller Kreider Lakin Lawson Legan  
Liese Long Loudon Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Murray Myers Naeger  
O'Connor Ostmann Overschmidt Parker Patek  
Ransdall Reinhart Relford Rizzo Schilling  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Surface  
Thompson 72 Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 044

Akin Ballard Bartelsmeyer Bartle Berkstresser  
Blunt Boatright Chrismer Cierpiot Crawford  
Foster Gaskill Gibbons Green Griesheimer  
Hanaway Hegeman Hendrickson Hohulin Kasten  
Kelley 47 Kelly 27 King Linton Lograsso  
Marble Murphy Nordwald O'Toole Pouche  
Pryor Purgason Reid Richardson Ridgeway  
Robirds Ross Sallee Scheve Schwab

Summers Townley Treadway Wright

PRESENT: 001

Reynolds

ABSENT WITH LEAVE: 010

Auer Bray 84 Cooper Foley Hoppe

Leake Levin McLuckie Monaco Thompson 37

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 490**, relating to family care safety act, was taken up by Representative Hollingsworth.

Representative Patek offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 490, Page 4, Section 4.3, Line 23, by deleting the words "**Upon the written request of the registrant.**";

And further amend said bill, Page 4, Section 5, Line 2, by inserting after the figure "**3**" found on said line the following: "**and subsection 3 of section 4**".

On motion of Representative Patek, **House Amendment No. 1** was adopted.

Representative Bennett offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 490, Page 1, Section 1.2, Lines 4 and 5, by deleting the words "**or license-exempt**" found on line 4 and on line 5;

And further amend said bill, Page 2, Section 1.2, Line 31, by inserting after said line the following:

**"3. The provisions of this act shall apply only to child care providers and elder care providers who are subject to state licensure."**

Representative Bennett moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Gaskill Gibbons Graham 106 Griesheimer  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Howerton Kasten  
Kelley 47 King Klindt Legan Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Marble McClelland Merideth Miller Murphy  
Myers Naeger Nordwald Patek Pouche  
Pryor Purgason Reid Reinhart Richardson  
Ridgeway Robirds Ross Sallee Schwab  
Scott Secrest Shields Summers Surface  
Townley Vogel Wright

NOES: 078

Abel Backer Barry 100 Berkowitz Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Ford Franklin Fraser Gambaro  
George Graham 24 Gratz Green Gunn  
Hagan-Harrell Hampton Harlan Hilgemann Hollingsworth  
Hosmer Kelly 27 Kennedy Kissell Kreider  
Lakin Lawson Leake Liese Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murray O'Connor O'Toole Overschmidt  
Parker Ransdall Relford Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Thompson 72 Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011



Auer Cooper Foley Froelker Hickey  
Hoppe Koller Ostmann Reynolds Stokan  
Thompson 37

VACANCIES: 001

Speaker Gaw assumed the Chair.

Representative Levin offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 490, Page 1, Section 1, Line 4, by inserting after: "child care provider", the following: "Public School,".

Representative Levin moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 052

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Boatright  
Chrismer Cierpiot Crawford Dolan Elliott  
Enz Foster Froelker Gaskill Gibbons  
Gross Hanaway Hartzler 124 Hendrickson Hohulin  
Howerton Kasten Kelley 47 King Legan  
Levin Linton Lograsso Long Luetkemeyer  
Marble Murphy Myers Naeger Nordwald  
Patek Pouche Purgason Reid Richardson  
Ridgeway Ross Schwab Scott Secrest  
Summers Surface

NOES: 097

Abel Backer Barry 100 Berkowitz Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Clayton  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dougherty Evans Farnen Fitzwater  
Franklin Fraser Gambaro George Graham 106  
Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hegeman  
Hilgemann Holand Hollingsworth Hosmer Kelly 27

Kennedy Klindt Kreider Lakin Lawson  
Leake Liese Loudon Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray O'Connor  
O'Toole Overschmidt Parker Pryor Ransdall  
Reinhart Relford Rizzo Robirds Sallee  
Scheve Schilling Seigfreid Selby Shelton  
Shields Skaggs Smith Thompson 72 Townley  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Cooper Foley Ford Hickey  
Hoppe Kissell Koller Ostmann Reynolds  
Stokan Thompson 37 Troupe

VACANCIES: 001

Representative Purgason offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 490, Page 2, Section 1.2, Line 31, by inserting immediately after said line the following:

**"3. The provisions of this act shall not apply to any religious organization as defined in Chapter 210, RSMo, or to any provider affiliated with such a religious organization."**

Representative Monaco raised a point of order that **House Amendment No. 4** is dilatory.

The Chair ruled the point of order not well taken.

Representative Purgason moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 King Klindt Legan

Levin Linton Lograsso Long Loudon

Luetkemeyer Marble Merideth Miller Murphy

Myers Naeger Nordwald Patek Pouche

Pryor Purgason Reid Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secrest Shields Summers Surface

Townley Tudor Vogel Wright

NOES: 074

Abel Backer Barry 100 Berkowitz Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Crump Daniel 42 Davis 122 Davis 63

Days Dougherty Farnen Fitzwater Franklin

Fraser Gambaro George Graham 24 Gratz

Green Gunn Hagan-Harrell Hampton Hilgemann

Hollingsworth Hosmer Kelly 27 Kennedy Kissell

Kreider Lakin Lawson Leake Liese

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Rizzo Scheve Schilling Seigfreid Selby

Skaggs Smith Stokan Thompson 37 Thompson 72

Treadway Van Zandt Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Clayton Cooper Daniels 41 Foley

Ford Harlan Hickey Hoppe Koller

Ostmann Reynolds Shelton Troupe

VACANCIES: 001

Representative Kelley (47) offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 490, Page 3, Section 3, Subsection 3, Lines 17-20, by deleting all of said lines, and inserting in lieu thereof the following:

**"3. The costs of the criminal background check shall be paid by the Department. Any moneys remitted to the patrol for the costs of the";**

Representative Kelley (47) moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Howerton Kasten  
Kelley 47 King Klindt Legan Levin  
Linton Lograsso Loudon Luetkemeyer Marble  
Miller Murphy Myers Naeger Nordwald  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Secrest Shields  
Summers Surface Townley Wright

NOES: 074

Abel Backer Barry 100 Berkowitz Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dougherty Farnen Fitzwater  
Franklin Fraser Gambaro George Graham 24  
Gratz Gunn Hagan-Harrell Hampton Hilgemann  
Holand Hollingsworth Hosmer Kelly 27 Kennedy  
Kissell Kreider Lakin Lawson Leake  
Liese Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Rizzo Schilling Seigfreid  
Selby Skaggs Smith Thompson 72 Treadway  
Tudor Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000



ABSENT WITH LEAVE: 019

Auer Clayton Cooper Foley Ford

Green Harlan Hickey Hoppe Koller

Long Ostmann Reynolds Scheve Shelton

Stokan Thompson 37 Troupe Vogel

VACANCIES: 001

**HCS HB 490, as amended**, was laid over.

#### **REFERRAL OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was referred to the Committee indicated:

**HB 17** - Budget

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated pursuant to Rule 48a:

**HB 846** - Governmental Organization and Review

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SB 225** - Professional Registration and Licensing

#### **INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and copies ordered printed:

**HB 18**, introduced by Representative Franklin, to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 986**, introduced by Representative Shelton, relating to a certain metropolitan zoological park and museum district.

**HB 987**, introduced by Representative Backer, relating to the office of county auditor in certain counties.

**HB 988**, introduced by Representative Backer, relating to the department of natural resources revolving services fund.

**HB 989**, introduced by Representative Champion, relating to taxation of retirement allowances.

**HB 990**, introduced by Representative Harlan, relating to aging.

**HB 991**, introduced by Representatives Hilgemann, Bray, Boucher and Hollingsworth, relating to landlord and tenant law.

**HB 992**, introduced by Representative Relford, relating to the school district bond fund.

**HB 993**, introduced by Representative Cierpiot, et al, relating to student housing on campus.

**HB 994**, introduced by Representative Graham (24), relating to enacting the dedication to donation act.

**HB 995**, introduced by Representatives Riback Wilson, Gaw, Campbell, Kelley (47), Kasten, Kelly (27), Shields and Carter, relating to the family and community investment trust act.

**HB 996**, introduced by Representatives Kelly (27) and Kreider, relating to income tax deductions for health related costs.

**HB 997**, introduced by Representative Ford, relating to liquor licenses.

**HB 998**, introduced by Representative Hollingsworth, relating to transport of juveniles to division of youth services facilities.

#### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 64, HB 407, HB 300, HB 366, HB 464, HB 662, HB 661, HB 724, HB 242, HB 646, HB 680, HB 468, HB 678, HB 282, HB 570, HB 514, HB 453 and HB 94**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 189, entitled:

An act to repeal sections 71.190, 71.740, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children and minors.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 275, entitled:

An act to repeal sections 56.065, 56.151 and 56.755, RSMo 1994, and sections 56.066, 56.067, 56.265, 56.363, 56.365 and 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 329, entitled:

An act relating to dissolution of marriage.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 81, entitled:

An act to repeal section 311.485, RSMo Supp. 1998, relating to temporary permits for liquor by the drink, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SBs 240, 226 & 229, entitled:

An act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 224, entitled:

An act to amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS SB 266, entitled:

An act to repeal section 451.022, RSMo Supp. 1998, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 184, entitled:

An act to repeal section 186.060, RSMo Supp. 1998, relating to the Missouri humanities council, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on SCS HCS HB 14 and grants the House a conference thereon.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, March 2, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirtieth Day, Thursday, February 25, 1999, page 509, by inserting after line 23 the following:

"The following member's presence was noted: Nordwald"

Pages 519 and 520, roll call, by showing Representatives Froelker, George and Hartzler (124) voting "aye" rather than "absent with leave".

Pages 519 and 520, roll call, by showing Representative Surface voting "aye" rather than "no".

Pages 520 and 521, roll call, by showing Representatives Champion, Froelker and Hampton voting "aye" rather than "absent with leave".

Pages 521 and 522, roll call, by showing Representatives Champion, Fraser, Froelker, Kennedy, McClelland and Patek voting "aye" rather than "absent with leave".

Pages 522 and 523, roll call, by showing Representatives Kennedy and Levin voting "aye" rather than "absent with leave".

Pages 523 and 524, roll call, by showing Representatives Kennedy, McClelland and Scott voting "aye" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **AGRICULTURE**

Wednesday, March 3, 1999, 1:30 pm. Hearing Room 9. Executive session may or may not follow.

To be considered - HB 904

##### **BUDGET**

Tuesday, March 2, 1999, 8:30 am. Hearing Room 6. Possible executive session.

To be considered - HB 9, HB 11, HB 12

##### **BUDGET**

Tuesday, March 2, 1999. Hearing Room 6 upon morning adjournment.

Executive session on proposed FY 2000 budget.

To be considered - HB 11, HB 12

##### **BUDGET**

Wednesday, March 3, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget.

##### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, March 2, 1999. Hearing Room 9 upon morning adjournment.

Executive session possible on other bills.

To be considered - HB 250, Executive Session - HB 839

##### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, March 3, 1999. Hearing Room 1 and 2 upon morning adjournment.

To be considered - HB 199, HB 426, HB 763, HB 796, HB 892, Executive

Session - HB 737, Executive Session - HB 741, Executive Session - HB 852

##### **COMMERCE**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 701

##### **CONSUMER PROTECTION AND HOUSING**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 7. Executive session.

To be considered - HB 739, HB 882



## **CRIMINAL LAW**

Wednesday, March 3, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 85, HB 327, HB 328, HB 717, HB 760, HB 806

## **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, March 2, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 654, HB 730, HB 744, Executive Session - HB 105, Executive Session - HB 689, Executive Session - HB 720, Executive Session - HB 818, Executive Session - HB 889

## **ELECTIONS**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 8.

To be considered - HB 182, HB 313, HB 345, HB 549, HB 608, HB 780

## **ELECTIONS**

Wednesday, March 3, 1999. Hearing Room 8 upon afternoon adjournment.

To be considered - Executive Session - HB 499, Executive Session - HB 536,  
Executive Session - HB 625, Executive Session - HCR 3, Executive Session - HJR 2

## **ENVIRONMENT AND ENERGY**

Thursday, March 4, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 797, HB 929, HCR 16

## **GOVERNMENTAL ORGANIZATION AND REVIEW**

Wednesday, March 3, 1999, 8:30 am. Hearing Room 8. Possible executive session.

To be considered - HB 154, HB 789

## **JOINT COMMITTEE ON CAPITAL IMPROVEMENTS**

Wednesday, March 3, 1999, 8:30 am. Hearing Room 5. Review of expiring leases in HB 13.

## **JUDICIARY**

Tuesday, March 2, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - HB 334, HB 535

## **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, March 2, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session may follow.

To be considered - HB 337, HB 476, HB 677, HB 702, HB 706, HB 756, HB 773,  
HB 812, HB 817, HB 853

## **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, March 3, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - HB 610, Executive Session - HR 66

#### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Tuesday, March 2, 1999, 2:00 pm. Hearing Rm7. Executive session to reconsider

HB 141, 32, 68, 184, 400, 448, 526, 571, 578, 593, 799 & 802.AMENDED NOTICE.

To be considered - HB 440, HB 495, HB 537, HB 585, HB 698, HB 727

#### **PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, March 3, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 902, HB 934

#### **PUBLIC HEALTH**

Wednesday, March 3, 1999, 8:30 am. Hearing Rooms 1 and 2.

Possible executive session on House Bills 128, 278, 544, 631 and 634.

To be considered - HB 721, HB 746, HB 766, HB 845

#### **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, March 2, 1999, 8:30 am. Hearing Room 5. Executive session may follow.

To be considered - HB 497, HB 573, HB 813, HB 895, HB 905

#### **RETIREMENT**

Wednesday, March 3, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 909, HB 911

#### **SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, March 2, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE.

To be considered - HB 761, HB 899, Executive Session - HB 170, Executive

Session - HB 550, Executive Session - HB 616, Executive Session - HB 632

#### **STATE PARKS, NATURAL RESOURCES & MINING**

Wednesday, March 3, 1999, 2:00 pm. Hearing Rooms 3 and 4. Executive session.

AMENDED NOTICE.

To be considered - HB 776, HB 908, HCR 19

#### **SUBCOMMITTEE ON INMATE CALLING**

Monday, March 8, 1999, 1:00 pm. Hearing Room 5.

To be considered - HB 601

#### **WAYS AND MEANS**

Tuesday, March 2, 1999. Hearing Rooms 3 and 4 upon morning adjournment.

Executive session may follow.

To be considered - HB 93, HB 118, HB 121, HB 179, HB 520, HB 609, HB 641,

HB 647, HB 830, HJR 7, HJR 13

#### **HOUSE CALENDAR**

**THIRTY-SECOND DAY, TUESDAY, MARCH 2, 1999**

**HOUSE BILLS FOR SECOND READING**

**HB 986 through HB 998**

**HOUSE BILL FOR SECOND READING - APPROPRIATIONS**

**HB 18**

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 490, as amended - Hollingsworth**

**2 HCS HB 621 - Relford**

**3 HCS HB 316, 660 & 203 - Ladd Stokan**

**4 HCS HB 308 - Dougherty**

**5 HCS HB 166 - McLuckie**

**6 HCS HB 788, 428 & 106 - Smith**

**7 HCS HB 246 & 405 - Bray**

**8 HB 492 - Hosmer**

**9 HCS HB 427, 40, 196 & 404 - Luetkenhaus**

**10 HB 201 - Boucher**

**11 HB 261 - Auer**

**12 HCS HB 686 - Murray**

**13 HCS HB 343 - Treadway**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**1 HCS HB 26 & 117, as amended - Kreider**

**2 HCS HB 267, as amended, HA 6, pending - Hoppe**

**3 HCS HB 351 & 295, HS, as amended, pending - Scheve**

**HOUSE BILLS FOR PERFECTION - CONSENT**

**(February 23, 1999)**

**1 HB 473 - Legan**

**2 HB 257 - Seigfreid**

**3 HB 326 - Parker**

**4 HB 290 - Champion**

**(February 25, 1999)**

**5 HB 568 - May (108)**

**6 HB 487 - Hollingsworth**

**7 HB 145 - Wiggins**

**8 HB 589 - Graham (106)**

**9 HB 446 - Auer**

**10 HB 708 - Merideth**

11 HB 409 - McBride

(March 2, 1999)

12 HB 607 - Riback Wilson

13 HB 893 - Murray

14 HB 866 - Treadway

15 HB 867 - McKenna

16 HB 861 - Griesheimer

17 HB 528 - Chrismer

#### HOUSE BILLS FOR THIRD READING

HS HB 516, (Fiscal Review 3-1-99) - Bray

#### HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 662 - Crump

2 HB 680 - Leake

3 HB 514 - Franklin

4 HB 678 - Leake

5 HB 94 - Clayton

6 HB 468 - Koller

7 HB 300 - Green

8 HB 407 - Robirds

9 HB 366 - Hartzler (123)

10 HB 64 - Long

11 HB 646 - Hampton

12 HB 464 - Richardson

13 HB 661 - Crump

14 HB 724 - Crump

15 HB 242 - May (108)

16 HB 282 - Clayton

17 HB 570 - Rizzo

18 HB 453 - Gross

#### HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL

HB 445 - Auer

HB 34 - Auer

#### SENATE BILLS FOR SECOND READING

1 SB 81



**2 SB 184**

**3 SB 189**

**4 SB 224**

**5 SCS 240, 226 & 229**

**6 SS SB 266**

**7 SCS SB 275**

**8 SB 329**

**BILL IN CONFERENCE**

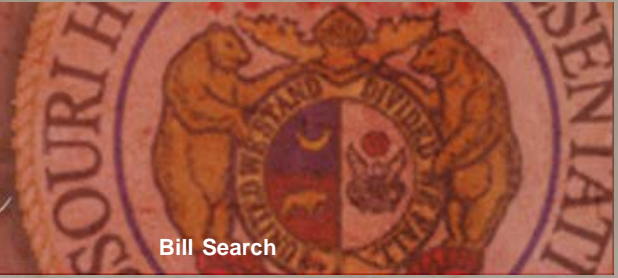
**SCS HCS HB 14 - Franklin**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-SECOND DAY, Tuesday, March 2, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Bill Luetkenhaus.

Lord, we thank You for giving us another day to serve You and all mankind. Give us the wisdom and courage necessary to make decisions as we vote on many issues before us this session. Most importantly, give us the virtues of patience, tolerance and respect of others who may have different opinions than ours on the difficult issues we face.

Lord, please comfort and strengthen our colleagues who have lost loved ones. Let them know that we are there for them. Bless and heal our colleagues who have been sick.

Lord, You have blessed us in many, many ways and we thank You for all You have given us. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brent Huckabey, David Ford, Regan Ramsey Thomas, Ryan Joseph Dimmitt, Trisha Lynn Counce, Taylor Briggs, Kristen Briggs and Mitchell Briggs.

The Journal of the thirty-first day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 351 and House Resolution No. 352 - Representative Hollingsworth

House Resolution No. 353 and House Resolution No. 354 - Representative Howerton

### SECOND READING OF HOUSE BILLS

**HB 986** through **HB 998** were read the second time.

### SECOND READING OF HOUSE BILL - APPROPRIATIONS

**HB 18** was read the second time.

## **SECOND READING OF SENATE BILLS**

**SB 81, SB 184, SB 189, SB 224, SCS SBs 240, 226 & 229, SS SB 266, SCS SB 275, and SB 329** were read the second time.

## **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 662**, relating to sheriffs' retirement, was taken up by Representative Crump.

On motion of Representative Crump, **HB 662** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 001

Campbell

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Cooper Daniels 41 Foley Ford

Leake Shelton Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**HB 680**, relating to motor fuel taxes, was placed on the Informal Consent Calendar.

**HB 514**, relating to public school retirement system, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 514** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann



Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Cooper Daniels 41 Foley Ford  
Leake Shelton Thompson 37 Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HB 678**, relating to grade crossing safety account, was placed on the Informal Consent Calendar.

**HB 94**, relating to controlled substances, was taken up by Representative Clayton.

On motion of Representative Clayton, **HB 94** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foster Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Schilling Schwab Scott  
Secrest Seigfreid Selby Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 002

Murphy Townley

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Cooper Daniels 41 Foley Ford

Franklin Kelley 47 Leake Luetkenhaus Scheve

Shelton Thompson 37 Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 468**, relating to Department of Transportation, was taken up by Representative Koller.

On motion of Representative Koller, **HB 468** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foster

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid  
Selby Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Cooper Daniels 41 Dolan Foley  
Ford Franklin Leake Shelton Thompson 37  
Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**HB 300**, relating to driver's licenses, was taken up by Representative Green.

On motion of Representative Green, **HB 300** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn



Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Cooper Daniels 41 Foley Ford  
Leake Pryor Purgason Shelton Thompson 37  
Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Abel moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILL - INFORMAL**

**HCS HB 267, as amended, with House Amendment No. 6, pending**, relating to liquor control, was taken up by Representative Hoppe.

Representative Lograsso offered **House Amendment No. 1 to House Amendment No. 6**.

*House Amendment No. 1*

to

*House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 267, Page 1, Line 4 of the body of said amendment by deleting the word "minors" and inserting in lieu thereof the words "persons under the age of 21 years of age."

On motion of Representative Lograsso, **House Amendment No. 1 to House Amendment No. 6** was adopted.

On motion of Representative Green, **House Amendment No. 6, as amended**, was adopted.

Representative Backer offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 267, Page 1, In the Title, Line 2, by inserting after the number "311.298," the following: "311.310,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "311.298," the following: "311.310,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "311.298," the following: "311.310,"; and

Further amend said bill, Page 7, Section 311.298, Line 8, by inserting after all of said line the following:

"311.310. Any licensee [under] **pursuant to** this chapter, or [his] **any licensee's** employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years **without asking such person to display some type of identification**, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except [his] **such person's** parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years **without asking such person to display some type of identification**, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor **and shall be fined five hundred dollars**, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued [under] **pursuant to** this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment."

Representative Lograsso offered **House Amendment No. 1 to House Amendment No. 7**.

*House Amendment No. 1*

to

*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for House Bill No. 267, Page 2, Lines 7 and 11 of said amendment, by inserting between the words "display" and "some" the following: ", and having such person display,"

On motion of Representative Lograsso, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Backer, **House Amendment No. 7, as amended**, was adopted.

Representative Graham (24) offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 267, Page 9, Section 311.660, Line 22, by inserting immediately after the word "license;" the following: "**except that the supervisor of liquor control shall not establish any rule or regulation prohibiting a licensee, any employee of a licensee from drinking in such licensee's establishment or allowing an agent of the supervisor of liquor control to drink in any establishment while such agent is on duty.**".

On motion of Representative Graham (24), **House Amendment No. 8** was adopted.

Representative Kelley (47) offered **House Amendment No. 9**.

Representative Hoppe raised a point of order that **House Amendment No. 9** is not germane to the bill.

Representative Gratz raised an additional point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the first point of order not well taken.

The Chair ruled the second point of order well taken.

On motion of Representative Hoppe, **HCS HB 267, as amended**, was adopted.

On motion of Representative Hoppe, **HCS HB 267, as amended**, was ordered perfected and printed.

On motion of Representative Crump, the House recessed until 3:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 355 - Representative King

House Resolution No. 356 - Representatives Lograsso, Ross and Davis (122)

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 138

Abel Alter Backer Ballard Barnett

Bartelsmeyer Bennett Berkowitz Berkstresser Black

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hendrickson Hickey Hilgemann Hohulin  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Legan Levin  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Richardson Ridgeway Rizzo Robirds  
Ross Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 001

Patek

PRESENT: 004

Gunn Lograsso Reynolds Wright

ABSENT WITH LEAVE: 019

Akin Auer Barry Bartle Blunt  
Boykins Cooper Foley Ford Hegeman  
Holand Hosmer King Leake Liese  
McKenna Sallee Shelton Troupe

VACANCIES: 001

Representative Smith assumed the Chair.

### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 407**, relating to county classifications, was taken up by Representative Robirds.



On motion of Representative Robirds, **HB 407** was read the third time and passed by the following vote:

AYES: 116

Abel Alter Ballard Barnett Barry 100  
Bartelsmeyer Bartle Bennett Berkstresser Black  
Blunt Boatright Bonner Boucher Britt  
Burton Champion Chrismer Cierpiot Clayton  
Crawford Crump Davis 122 Dolan Dougherty  
Elliott Enz Evans Farnen Foley  
Foster Franklin Froelker Gambaro Gaskill  
Gibbons Graham 106 Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hilgemann Hohulin Holand  
Hoppe Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Legan Levin  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
Merideth Miller Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Patek Pouche Pryor Purgason  
Reid Reinhart Relford Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schwab Scott Secrest Seigfreid Shields  
Smith Stokan Summers Surface Townley  
Tudor Vogel Williams 121 Williams 159 Wright  
Mr. Speaker

NOES: 034

Backer Berkowitz Bray 84 Campbell Carter  
Daniel 42 Daniels 41 Davis 63 Days Fitzwater  
Fraser George Graham 24 Gratz Green  
Harlan Hickey Hollingsworth Lograsso McKenna  
McLuckie Monaco Parker Ransdall Reynolds  
Schilling Selby Skaggs Thompson 72 Treadway  
Van Zandt Wagner Ward Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Akin Auer Boykins Cooper Ford

Hosmer Leake Liese Shelton Thompson 37

Troupe Wiggins

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HB 366**, relating to county collectors, was taken up by Representative Hartzler (123).

On motion of Representative Hartzler (123), **HB 366** was read the third time and passed by the following vote:

AYES: 151

Abel Alter Backer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Legan Levin Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Akin Auer Boykins Cooper Ford  
Hosmer Leake Liese O'Toole Shelton  
Troupe

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

**HB 64**, relating to handicapped rights, was taken up by Representative Long.

On motion of Representative Long, **HB 64** was read the third time and passed by the following vote:

AYES: 148

Abel Alter Backer Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Linton  
Lograsso Long Loudon Luetkemeyer Marble  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor Ostmann  
Overschmidt Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Akin Auer Boykins Cooper Ford  
Leake Liese Luetkenhaus May 108 O'Toole  
Parker Ridgeway Shelton Troupe

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.



**HB 646**, relating to weigh stations, was taken up by Representative Hampton.

On motion of Representative Hampton, **HB 646** was read the third time and passed by the following vote:

AYES: 152

Abel Alter Backer Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Akin Auer Boykins Cooper Ford

Leake Liese O'Toole Shelton Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HB 464**, relating to lagers, was taken up by Representative Richardson.

On motion of Representative Richardson, **HB 464** was read the third time and passed by the following vote:

AYES: 148

Abel Alter Backer Ballard Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Bray 84 Britt Burton Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Legan Levin

Linton Lograsso Long Loudon Luetkemeyer

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 003

Bartelsmeyer Campbell Lawson

ABSENT WITH LEAVE: 011

Akin Auer Boykins Cooper Ford  
Hoppe Leake Liese Luetkenhaus Shelton  
Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILLS

**HCS HB 490, as amended**, relating to family care safety act, was taken up by Representative Hollingsworth.

Representative Hanaway offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 490, Page 6, Section 8, Line 34, by inserting after said line the following: **The department is prohibited from selling the registry or any portion of the registry for any purpose including "employment purposes" as defined in Section 8.1 of this section.**

On motion of Representative Hanaway, **House Amendment No. 6** was adopted by the following vote:

AYES: 147

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Elliott Enz Evans  
Farnen Fitzwater Foley Foster Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lawson Legan Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Auer Boucher Boykins Cooper Crump  
Dougherty Ford Franklin Lakin Leake  
Liese Shelton Troupe Van Zandt Mr. Speaker

VACANCIES: 001

Representative Akin offered **House Amendment No. 7.**



Representative Hollingsworth raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Cierpiot offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 490, Page 3, Section 3(4), Line 23, by deleting the word "not" and on line 25 by deleting the word "not".

Representative Cierpiot moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bonner Burton Champion Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Gross Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble McClelland Miller Murphy  
Myers Naeger Nordwald Ostmann Patek  
Pouche Pryor Purgason Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Shields Summers  
Surface Townley Vogel Wright

NOES: 079

Abel Backer Barry 100 Berkowitz Boucher  
Bray 84 Britt Campbell Carter Clayton  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Franklin Fraser Gambaro George Graham 24  
Gratz Green Gunn Hagan-Harrell Hampton  
Harlan Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Luetkenhaus

May 108 Mays 50 McBride McKenna McLuckie

Merideth Monaco Murray O'Connor O'Toole

Overschmidt Parker Ransdall Relford Reynolds

Rizzo Scheve Schilling Seigfreid Selby

Skaggs Smith Thompson 37 Thompson 72 Treadway

Tudor Van Zandt Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Boykins Cooper Ford Leake

Liese Shelton Stokan Troupe

VACANCIES: 001

Representative Wright offered **House Amendment No. 8**.

Representative Monaco raised a point of order that **House Amendment No. 8** is dilatory and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Ridgeway offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 490, Page 2, Section 3, Line 1, by adding after the number "1." the following phrase, "Upon request of the primary custodian of the child, a" and by deleting the word "every" and on line 1, Section 3 (1) after the word "and" add "upon request of an adult child, spouse, grandchild, a great grandchild, sibling of such elder or the elder, an" and on Page 3, Line 12, by deleting the word "shall" and inserting in lieu thereof the word "may" and on Line 14 after the word "fails" by adding the words "as request in section 1 of this subsection".

Representative Ridgeway moved that **House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Howerton Kasten

Kelley 47 King Klindt Legan Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Marble Miller Murphy Myers Naeger  
Nordwald Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schwab Scott Secrest  
Shields Stokan Summers Surface Townley  
Vogel Wright

NOES: 082

Abel Backer Barry 100 Berkowitz Bonner  
Boucher Bray 84 Britt Campbell Carter  
Clayton Cooper Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Franklin Fraser Gambaro  
George Graham 24 Gratz Green Gunn  
Hagan-Harrell Hampton Harlan Hickey Hilgemann  
Holand Hollingsworth Hoppe Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Monaco Murray  
O'Connor O'Toole Ostmann Overschmidt Parker  
Ransdall Relford Reynolds Rizzo Scheve  
Schilling Seigfreid Selby Skaggs Smith  
Thompson 37 Thompson 72 Treadway Tudor Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Boykins Ford Hosmer Leake  
Liese Shelton Troupe

VACANCIES: 001

Representative Levin offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 490, Page 1, Section 1, Line 8, by deleting the word "not".

Representative Scheve assumed the Chair.

Representative Levin moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 017

Bartelsmeyer Bennett Crawford Enz Froelker  
Hendrickson Hohulin King Levin Luetkemeyer  
Merideth Murphy Myers Nordwald Schwab  
Summers Townley

NOES: 133

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartle Berkowitz Berkstresser  
Black Blunt Boatright Bonner Boucher  
Bray 84 Britt Burton Campbell Carter  
Champion Chrismer Clayton Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Foster Franklin Fraser Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hickey Hilgemann Holand  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Legan Lograsso  
Long Loudon Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Miller Monaco Murray Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Scott Secrest Seigfreid Selby  
Shields Skaggs Smith Stokan Surface  
Thompson 37 Thompson 72 Treadway Tudor Van Zandt



Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Boykins Cierpiot Cooper Ford

Hosmer Leake Liese Linton Shelton

Troupe Mr. Speaker

VACANCIES: 001

On motion of Representative Hollingsworth, **HCS HB 490, as amended**, was adopted.

On motion of Representative Hollingsworth, **HCS HB 490, as amended**, was ordered perfected and printed.

**HCS HB 621**, relating to summer school attendance, was taken up by Representative Relford.

On motion of Representative Relford, **HCS HB 621** was adopted.

On motion of Representative Relford, **HCS HB 621** was ordered perfected and printed.

**HCS HBs 316, 660 & 203**, relating to public health, was taken up by Representative Ladd Stokan.

Representative Ladd Stokan offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 5, Section 660.054, Line 79 by deleting "**on completion of the form**" and inserting in lieu thereof, the words "**for completing the form**" and;

further amend House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 5, Section 660.055, Line 13 by inserting after the , the word "**is**" and;

further amend House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 5, Section 660.055, Line 21 by deleting the word "**Files**" and inserting in lieu thereof, the word "**File**" and;

further amend House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 5, Section 660.055, Lines 25, 27, and 30 by deleting subsection numbers "**3., 4., and 5.,**" and inserting in lieu thereof, subsection numbers "**2., 3., and 4.**" .

On motion of Representative Ladd Stokan, **House Amendment No. 1** was adopted.

On motion of Representative Ladd Stokan, **HCS HBs 316, 660 & 203, as amended**, was adopted.

On motion of Representative Ladd Stokan, **HCS HBs 316, 660 & 203, as amended**, was ordered perfected and printed.

**HCS HB 308**, relating to child care facilities, was taken up by Representative Dougherty.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 308, Page 2, Section 210.211, Line 27, by inserting after the semicolon ";," the word "**and**"; and

Further amend said bill, Page 4, Section 210.245, Line 25, by deleting the word and number "**section 210.245**" and inserting in lieu thereof the words "**this section**"; and

Further amend said bill, Page 4, Section 210.245, Line 43, by deleting the words "days] **after** of" and inserting in lieu thereof the words "days of] **after**".

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Dougherty offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 308, Page 6, Section 210.254, Line 19, by inserting after the word "(4)" the following:

"Notification that background checks have been conducted on each individual care giver and all other personnel at the facility."

And further amend said bill, page 6, section 210.254, Line 19 by striking the word "information" and inserting in lieu thereof the words "shall be."

On motion of Representative Dougherty, **House Amendment No. 2** was adopted.

Representative Dougherty offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Bill No. 308, Page 1, In the Title, Line 4, by deleting the word "seven" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seven" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and number "and 210.256" and inserting in lieu thereof the word and numbers ", 210.256, 1 and 2"; and

Further amend said bill, Page 7, Section 210.256, Line 20, by inserting after all of said line the following:

**"Section 1. 1. To qualify for receipt of state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, an applicant and any person over the age of fourteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145, RSMo. Any costs associated with such checks shall be paid by the applicant.**

**2. Upon receipt of an application for state or federal funds for providing child care services in the home, the division of family services shall:**

**(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of fourteen who is living in the applicant's home has been recorded pursuant to section 210.221, RSMo, or section 210.145, RSMo;**

**(2) Determine if the applicant or any person over the age of fourteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496, RSMo; and**

**(3) Request a criminal background check of the applicant and any person over the age of fourteen who is living in the applicant's home pursuant to section 43.540, RSMo.**

**3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such**

applicant or any person over the age of fourteen who is living in the applicant's home:

- (1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145, RSMo;
- (2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496, RSMo;
- (3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge.

The division of family services shall, by rule, determine any additional types of offenses or reports, including but not limited to domestic violence, elder abuse or drug offenses, which will disqualify an applicant from receiving such state or federal funds.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of fourteen who is living in the applicant's home listed in subsection 3 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of fourteen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. For child care providers who receive state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, the department of social services shall:

- (1) Be authorized to revoke the registration of a registered provider for due cause;
- (2) Require providers to be at least eighteen years of age;
- (3) Where there are no local ordinances or regulations regarding smoke detectors, require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence where child care is provided;
- (4) Require providers to be tested for tuberculosis;
- (5) Make providers aware of local opportunities for training in first aid and child care.

2. The department of social services shall promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Dougherty, **House Amendment No. 3** was adopted.

Representative Crump offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 308, Page 7, Section 210.256, Line 20, by inserting immediately after said line the following:

"210.485. 1. Any owner or operator of a child placing agency or residential care facility licensed pursuant to sections 210.481 to 210.536, may be held civilly liable for any injury to another person or damage to property which occurs outside such facility and is caused by a child who is in the care and custody of such facility.

2. The state of Missouri and any political subdivision thereof shall not be subject to civil liability pursuant to



subsection 1 of this section."; and

further amend title and enacting clause accordingly.

On motion of Representative Crump, **House Amendment No. 4** was adopted.

Representative Wright offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 308, Page 6, Section 210.254, Line 24, by adding after said line the following: "not to exceed ten dollars."

Representative Monaco raised a point of order that **House Amendment No. 5** amends previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Wright, **House Amendment No. 5** was adopted.

On motion of Representative Dougherty, **HCS HB 308, as amended**, was adopted.

On motion of Representative Dougherty, **HCS HB 308, as amended**, was ordered perfected and printed.

**HCS HB 166**, relating to good faith employee negotiation, was placed on the Informal Calendar.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 868** - Governmental Organization and Review

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 933** - Consumer Protection and Housing

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 473, HB 290, HB 326, and HB 257**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Banks and Financial Institutions**, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 822**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 818**, begs leave to report



it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 889**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Higher**, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 778**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 920**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 352**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 389**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 402**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 476**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 706**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 779**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 853**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 141, HB 32, HB 68, HB 184, HB 400, HB 448, HB 526, HB 571, HB 578, HB 593, HB 799, and HB 802**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was offered and read the first time:

**HCR 23**, introduced by Representatives Hoppe, Griesheimer, Green and Gratz, relating to the division of liquor control.

**HCR 24**, introduced by Representative Boykins, relating to Missouri's support for a return to the state of any tobacco settlement funds recouped by the federal government.

#### INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 34**, introduced by Representative Clayton, relating to criminal prosecutions.

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 999**, introduced by Representatives Ladd Stokan and O'Connor, relating to commercial drivers' licenses.

**HB 1000**, introduced by Representatives Hilgemann, McLuckie, Campbell, Harlan, Hendrickson, Van Zandt and Bray, relating to the uniform common interest ownership act.

**HB 1001**, introduced by Representative Scheve, relating to the regulation of raffles and sweepstakes.

**HB 1002**, introduced by Representative Dougherty, relating to health insurance.

**HB 1003**, introduced by Representative Dougherty, relating to alternative fuels.

**HB 1004**, introduced by Representatives Holand and Davis (122), relating to local taxes for education.

**HB 1005**, introduced by Representatives Evans, Hendrickson, Nordwald, Gross, Secrest, Crawford and Hanaway, et al, relating to income taxation.

**HB 1006**, introduced by Representatives Akin, Ostmann, Linton, Bartle, Wright, Hohulin and Blunt, et al, relating to registration of motor vehicles.

**HB 1007**, introduced by Representatives Kissell, Kreider, Hosmer and Richardson, relating to licensing of private investigators.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 357**, entitled:

An act to authorize the conveyance of various land rights in certain state park property.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 1**.

Senate Concurrent Resolution No. 1

WHEREAS, one hundred fifty years have now passed since the greatest tragedy in Irish history occurred: The Great Irish Famine, also known as An Gorta Mor, the Great Starvation, the Great Hunger, the Irish Potato Blight, the Potato Famine, and the Great Irish Hunger; and

WHEREAS, this catastrophic five-year period between 1845 and 1850 in which millions of Irish people perished or emigrated was due to mass starvation precipitated by a recurring potato crop failure and worsened by acts of the British government which ignored the plight of the people; and

WHEREAS, the thousands upon thousands of bodies which required burial in a short period of time necessitated creation of the "sliding coffin", a hinged coffin which was used to transport the deceased to the graveyard where it would be placed over a huge pit, its bottom would drop, and the victim would fall into the common grave below; and

WHEREAS, Ireland lost nearly one half of its population during this dreadful famine, a catastrophe of astronomic proportions which needs to be examined and discussed in the public schools of Missouri in an effort to reaffirm the commitment of free people of all nations to eradicate the causes of famine that exist in the modern world and to engender an appreciation for Irish Americans; and

WHEREAS, many of the Irish immigrated to the Show-Me State where they distinguished themselves by their great contributions to the formation of Missouri, a long list of remarkable individuals which includes Joseph Charles who in 1808 founded the first newspaper west of the Mississippi River, the **Missouri Gazette**; and

WHEREAS, it would be in the best interests of the Missouri's public school students for the State Board of Education to prepare and make available to all school boards instructional materials that can be used as guidelines for the development of a unit of instruction on the Irish Famine:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unanimously in expressing our support of the inclusion of a unit of instruction studying the causes and effects of mass starvation in mid-nineteenth century Ireland in every public elementary school and high school curriculum in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Elementary and Secondary Education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 2**.

Senate Concurrent Resolution No. 2

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of



its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 136**, entitled:

An act to repeal section 8.250 and 8.294, RSMo Supp. 1998, and to enact in lieu thereof two new sections relating to contracts for state construction projects, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 158**, entitled:

An act to repeal section 191.659, RSMo 1994, and section 191.663, RSMo Supp. 1998, relating to certain medical conditions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 276**, entitled:

An act to repeal section 360.060, RSMo 1994, and sections 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to the health and educational facilities authority, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 310**, entitled:

An act to repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 401**, entitled:

An act to repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Troupe and Ford.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, March 3, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**



Correct House Journal, Thirty-first Day, Monday, March 1, 1999, pages 551 and 552, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 551 and 552, roll call, by showing Representative Franklin voting "present" rather than "absent with leave".

Pages 553 and 554, roll call, by showing Representatives Franklin, Fraser and McClelland voting "aye" rather than "absent with leave".

Pages 554 and 555, roll call, by showing Representatives Franklin and McClelland voting "aye" rather than "absent with leave".

Pages 555 and 556, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".

Pages 557 and 558, roll call, by showing Representatives Hickey and Reynolds voting "no" rather than "absent with leave".

Pages 558 and 559, roll call, by showing Representatives Hickey, Kissell, Koller and Reynolds voting "no" rather than "absent with leave".

Pages 558 and 559, roll call, by showing Representative Loudon voting "aye" rather than "no".

Pages 559 and 560, roll call, by showing Representatives Koller and Reynolds voting "no" rather than "absent with leave".

Pages 560 and 561, roll call, by showing Representatives Hickey, Koller and Reynolds voting "no" rather than "absent with leave".

Pages 560 and 561, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Wednesday, March 3, 1999, 1:30 pm. Hearing Room 9. Executive session may or may not follow.

To be considered - HB 904

### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

Thursday, March 4, 1999, 8:00 am. Hearing Room 5. Discuss items brought up in committee.

### **BUDGET**

Wednesday, March 3, 1999. Hearing Room 6 upon morning adjournment.

Executive session on proposed FY 2000 budget.

### **BUDGET**

Wednesday, March 3, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget.

### **BUDGET**

Thursday, March 4, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget.

### **BUDGET**

Thursday, March 4, 1999. Hearing Room 6 upon morning adjournment.

Executive session on proposed FY 2000 budget.

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 3, 1999. Hearing Room 1 and 2 upon morning adjournment.

To be considered - HB 199, HB 426, HB 763, HB 796, HB 892, Executive Session - HB 737, Executive Session - HB 741, Executive Session - HB 852

#### COMMERCE

Thursday, March 4, 1999. Hearing Room 9 upon adjournment. Executive session may follow.

To be considered - HB 701

#### CRIMINAL LAW

Wednesday, March 3, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 85, HB 327, HB 328, HB 717, HB 760, HB 806

#### CRITICAL ISSUES

Wednesday, March 3, 1999, 9:00 am. Northeast side gallery.

To be considered - Executive Session - HB 108, Executive Session - HB 129, Executive Session - HB 225, Executive Session - HB 362, Executive Session - HB 465, Executive Session - HB 718, Executive Session - HB 838, Executive Session - HB 876

#### EDUCATION - HIGHER

Wednesday, March 3, 1999. Hearing Room 8 upon morning adjournment.

To be considered - HB 555, HB 563

#### ELECTIONS

Wednesday, March 3, 1999. Hearing Room 8 upon afternoon adjournment.

To be considered - Executive Session - HB 499, Executive Session - HB 536, Executive Session - HB 625, Executive Session - HCR 3, Executive Session - HJR 2

#### ENVIRONMENT AND ENERGY

Thursday, March 4, 1999, 8:30 am. Hearing Room 9. Executive session may follow.

To be considered - HB 797, HB 929, HCR 16

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 3, 1999, 8:30 am. Hearing Room 8. Possible executive session.

To be considered - HB 154, HB 789

#### INSURANCE

Tuesday, March 9, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 630, HB 743, HB 903, HB 926

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Monday, March 8, 1999, 10:00 am. Senate Lounge. Dept. of Public Safety,

MO Gaming Commission, Dept. of Health, Office of the Director.

#### JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Wednesday, March 3, 1999, 8:30 am. Hearing Room 5. Review of expiring leases in HB 13.

#### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, March 4, 1999, 9:15 am. Hearing Room 7.

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 3, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - HB 610, Executive Session - HR 66

#### MUNICIPAL CORPORATIONS

Wednesday, March 3, 1999. Hearing Room 7 upon morning adjournment.

To be considered - HB 748, Executive Session - HB 856

#### PROFESSIONAL REGISTRATION & LICENSING

Wednesday, March 3, 1999, 8:00 am. Hearing Room 9. AMENDED NOTICE.

To be considered - HB 902, HB 934, SB 225

#### PUBLIC HEALTH

Wednesday, March 3, 1999, 8:30 am. Hearing Rooms 1 and 2.

Possible executive session on House Bills 128, 278, 544, 631 and 634.

To be considered - HB 721, HB 746, HB 766, HB 845

#### RETIREMENT

Wednesday, March 3, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 909, HB 911

#### RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Thursday, March 4, 1999, 9:00 am. Hearing Rooms 1 and 2.

To be considered - HB 252, HB 459

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, March 3, 1999, 2:00 pm. Hearing Rooms 3 and 4. Executive session.

AMENDED NOTICE.

To be considered - HB 776, HB 908, HCR 19

#### SUBCOMMITTEE ON INMATE CALLING

Monday, March 8, 1999, 1:00 pm. Hearing Room 5.

To be considered - HB 601

#### TRANSPORTATION

Wednesday, March 3, 1999, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 584, HB 907, HJR 31

#### UTILITIES REGULATION

Thursday, March 4, 1999, 8:15 am. Hearing Room 8. Executive session may or may not follow.

To be considered - HB 915

### HOUSE CALENDAR

THIRTY-THIRD DAY, WEDNESDAY, MARCH 3, 1999

#### HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 23 -

HCR 24 -

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 34

#### HOUSE BILLS FOR SECOND READING

HB 999 through HB 1007

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 788, 428 & 106 - Smith

2 HCS HB 246 & 405 - Bray

3 HB 492 - Hosmer

4 HCS HB 427, 40, 196 & 404 - Luetkenhaus

5 HB 201 - Boucher

6 HB 261 - Auer

7 HCS HB 686 - Murray

8 HCS HB 343 - Treadway

#### HOUSE BILLS FOR PERFECTION - INFORMAL

1 HCS HB 26 & 117, as amended - Kreider

2 HCS HB 351 & 295, HS, as amended, pending - Scheve

3 HCS HB 166 - McLuckie

#### HOUSE BILLS FOR PERFECTION - CONSENT

(February 25, 1999)

1 HB 568 - May (108)



- 2 HB 487 - Hollingsworth
- 3 HB 145 - Wiggins
- 4 HB 589 - Graham (106)
- 5 HB 446 - Auer
- 6 HB 708 - Merideth
- 7 HB 409 - McBride

(March 2, 1999)

- 8 HB 607 - Riback Wilson
- 9 HB 893 - Murray
- 10 HB 866 - Treadway
- 11 HB 867 - McKenna
- 12 HB 861 - Griesheimer
- 13 HB 528 - Chrismer

#### **HOUSE BILL FOR THIRD READING**

HS HB 516, (Fiscal Review 3-1-99) - Bray

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 661 - Crump
- 2 HB 724 - Crump
- 3 HB 242 - May (108)
- 4 HB 282 - Clayton
- 5 HB 570 - Rizzo
- 6 HB 453 - Gross
- 7 HB 473 - Legan
- 8 HB 257 - Seigfreid
- 9 HB 326 - Parker
- 10 HB 290 - Champion

#### **HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL**

- 1 HB 445 - Auer
- 2 HB 34 - Auer
- 3 HB 680 - Leake
- 4 HB 678 - Leake

#### **SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

- 1 SCR 1 -
- 2 SCR 2 -

#### **SENATE BILLS FOR SECOND READING**

- 1 SB 136

2 SB 158

3 SB 276

4 SB 310

5 SB 357

6 SB 401

**BILL IN CONFERENCE**

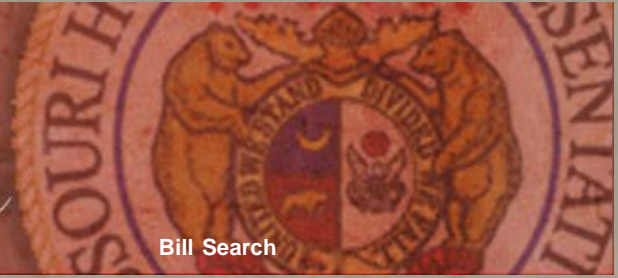
SCS HCS HB 14 - Franklin



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-THIRD DAY, Wednesday, March 3, 1999

Representative Smith in the Chair.

Prayer by Representative Beth Long.

Our Dear Heavenly Father,

We continue to ask for Your blessings as we do our work as public servants for the citizens of this state. Part of our job is to perfect legislation by adding to or taking away from that which is before us. Remind us, Oh Lord, that we too need to work on the perfection process in our own lives.

We know we will never be perfect, but with Your guidance and teachings we can improve upon the person we are today. Help us to be more understanding, considerate, kind and appreciative. Grant us the patience to be good listeners, the courage to stand by our convictions, the willingness to work together and the wisdom to make good decisions.

And God, direct us to take a look at ourselves, to work on our weaknesses and build on our strengths so we may be a good example to all we serve. In Jesus' name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Matt Belcher, Matt King, Amy Kotwani, Andy Langdon, Patty Long, Justin Royce Nurski, Katie Palmer, Aimee Pike, Bridget Taylor and Rachel Wardlow.

The Journal of the thirty-second day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 357 and House Resolution No. 358 - Representative Hartzler (123)

House Resolution No. 359 - Representative Hartzler (124)

### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 23** and **HCR 24** were read the second time.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 34** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 999** through **HB 1007** were read the second time.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 1** and **SCR 2** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 136**, **SB 158**, **SB 276**, **SB 310**, **SB 357** and **SB 401** were read the second time.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 490** - Fiscal Review (Fiscal Note)

**HCS HBs 316, 660 & 203** - Fiscal Review (Fiscal Note)

**HCS HB 621** - Fiscal Review (Fiscal Note)

**THIRD READING OF HOUSE BILLS - CONSENT - INFORMAL**

**HB 445**, relating to medical malpractice insurance, was taken up by Representative Auer.

On motion of Representative Auer, **HB 445** was read the third time and passed by the following vote:

**AYES: 153**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartelsmeyer Bartle**

**Bennett Berkowitz Berkstresser Black Blunt**

**Boatright Bonner Boucher Boykins Bray 84**

**Britt Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Crawford**

**Crump Daniel 42 Davis 122 Davis 63 Days**

**Dolan Dougherty Elliott Enz Evans**

**Farnen Fitzwater Foley Ford Foster**

**Franklin Fraser Froelker Gambaro Gaskill**

**George Gibbons Graham 106 Graham 24 Gratz**

**Green Griesheimer Gross Gunn Hampton**

**Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman**



Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Patek Pouche Purgason Ransdall  
Reid Reinhart Relford Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniels 41 Hagan-Harrell Hosmer Mays 50 McLuckie

Parker Pryor Reynolds Thompson 37

VACANCIES: 001

Representative Smith declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

HB 34, relating to insurance, was taken up by Representative Auer.

On motion of Representative Auer, HB 34 was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Howerton  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Relford Reynolds Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

**NOES: 000**

**PRESENT: 000**

**ABSENT WITH LEAVE: 013**

Bartle Daniels 41 Gibbons Hagan-Harrell Hegeman  
Hosmer Kasten McLuckie Reinhart Richardson  
Shields Thompson 37 Williams 121

**VACANCIES: 001**

Representative Smith declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

HB 680, relating to motor fuel taxes, was taken up by Representative Leake.

On motion of Representative Leake, HB 680 was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniels 41 Hagan-Harrell Hosmer McLuckie Richardson  
Thompson 37 Troupe

VACANCIES: 001

Representative Scheve declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

HB 678, relating to grade crossing safety account, was taken up by Representative Leake.

On motion of Representative Leake, HB 678 was read the third time and passed by the following vote:

AYES: 132

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bennett Berkowitz Black  
Blunt Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Cierpiot Clayton Cooper Daniel 42 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hickey Hilgemann Holand Hollingsworth Hoppe



Howerton Kasten Kelley 47 Kelly 27 King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Purgason Ransdall Reid  
Reinhart Relford Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Wilson Mr. Speaker

**NOES: 020**

Ballard Bartelsmeyer Bartle Berkstresser Boatright  
Chrismer Crawford Gross Hendrickson Hohulin  
Long Loudon Luetkemeyer Murphy Patek  
Pryor Ridgeway Summers Surface Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 010**

Crump Daniels 41 Franklin Hagan-Harrell Hosmer  
Kennedy McLuckie Reynolds Thompson 37 Williams 121

**VACANCIES: 001**

Representative Scheve declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

#### **THIRD READING OF HOUSE BILLS - CONSENT**

HB 661, relating to highway patrol, was taken up by Representative Crump.

On motion of Representative Crump, HB 661 was read the third time and passed by the following vote:

**AYES: 147**

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelly 27 Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

**NOES: 007**

Hartzler 124 Hegeman Hohulin King Ridgeway

Summers Tudor

**PRESENT: 004**

Boykins Carter Daniel 42 Reynolds

**ABSENT WITH LEAVE: 004**

**Daniels 41 Kelley 47 Kennedy McLuckie**

**VACANCIES: 001**

**Representative Scheve declared the bill passed.**

**On motion of Representative Relford, title to the bill was agreed to.**

**Representative Schilling moved that the vote by which the bill passed be reconsidered.**

**Representative Seigfreid moved that motion lay on the table.**

**The latter motion prevailed.**

**HB 724, relating to MULES registration, was taken up by Representative Crump.**

**Representative Crump moved that HB 724 be read the third time and passed.**

**Which motion was defeated by the following vote:**

**AYES: 042**

**Bennett Berkowitz Blunt Bonner Clayton**

**Cooper Crawford Crump Davis 122 Davis 63**

**Farnen Fitzwater Foley Franklin George**

**Graham 106 Hosmer Kennedy Legan Long**

**Luetkenhaus May 108 Mays 50 McBride McKenna**

**Merideth Monaco Nordwald Overschmidt Purgason**

**Ransdall Relford Richardson Rizzo Seigfreid**

**Selby Shelton Skaggs Smith Treadway**

**Ward Williams 159**

**NOES: 113**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartelsmeyer Bartle**

**Berkstresser Black Boatright Boucher Boykins**

**Bray 84 Britt Campbell Carter Champion**

**Chrismer Cierpiot Daniel 42 Days Dolan**

**Dougherty Elliott Enz Evans Ford**

Foster Fraser Froelker Gambaro Gaskill  
Gibbons Graham 24 Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Howerton Kasten Kelley 47 Kelly 27 King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Levin Liese Linton  
Lograsso Loudon Luetkemeyer Marble McClelland  
Miller Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Parker Patek  
Pouche Pryor Reid Reinhart Reynolds  
Ridgeway Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Shields  
Stokan Summers Surface Thompson 72 Townley  
Troupe Tudor Van Zandt Wagner Wiggins  
Williams 121 Wilson Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 007**

Burton Daniels 41 Gratz McLuckie Thompson 37  
Vogel Mr. Speaker

**VACANCIES: 001**

HB 242, relating to landlord - tenant actions, was taken up by Representative May (108).

On motion of Representative May (108), HB 242 was read the third time and passed by the following vote:

**AYES: 154**

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Campbell Carter Champion Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer



Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton Chrismer Daniels 41 McLuckie Robirds  
Shelton Thompson 37 Williams 121

VACANCIES: 001

Representative Scheve declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Hilgemann moved that motion lay on the table.

The latter motion prevailed.

HB 282, relating to corporate merger, was taken up by Representative Clayton.

On motion of Representative Clayton, HB 282 was read the third time and passed by the following vote:

**AYES: 150**

Akin Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Cooper Crawford Crump Daniel 42 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

**NOES: 000**

**PRESENT: 000**

**ABSENT WITH LEAVE: 012**

Abel Berkstresser Burton Daniels 41 Fitzwater  
Kreider Luetkemeyer McLuckie Scheve Stokan  
Thompson 37 Wiggins

VACANCIES: 001

Representative Scheve declared the bill passed.

On motion of Representative Thompson (72), title to the bill was agreed to.

Representative Shelton moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILLS

HCS HBs 788, 428 & 106, relating to registration of sex offenders, was taken up by Representative Smith.

Representative May (108) offered House Amendment No. 1.

##### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 788, 428 & 106, Page 1, In the Title, Line 2, by deleting "section 589.410" and inserting in lieu thereof the following: "sections 589.400, 589.410 and 589.417"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "five new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 589.400, 589.410 and 589.417, RSMo Supp. 1998, are repealed and five new sections enacted in lieu thereof, to be known as sections 589.400, 589.410, 589.417, 1 and 2, to read as follows:

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, received a suspended imposition or execution of sentence for, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, received a suspended imposition or execution of sentence for, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state, or is a nonresident but is employed or attends school in this state, who was required to register as an offender in any other state or who has, since July 1, 1979, or is hereafter convicted of, received a suspended imposition or execution of sentence for, been found guilty of, or pled guilty or nolo contendere in any other state or under federal or military jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register, in person, with the chief law enforcement official of the county in which such person resides. Any person registered pursuant to sections 589.400 to 589.425 shall also register within ten days with the chief law enforcement official of the county in which such person is employed, any county in which such person attends school and any jurisdiction in which such person intends to be or is present for ten or more days within any twelve-month period. The chief law

enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The chief law enforcement official shall notify and forward a copy of the registration information and related fingerprints and photographs to the appropriate official in another state upon notification that the registrant has moved or will be moving to such other state.

4. Any person required to register pursuant to this section shall notify the chief law enforcement official of the date of changing residence within ten days of removing such person's residence from the county."; and

Further amend said bill, Page 1, Section 589.410, Line 16, by inserting after all of said line the following:

"589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, including those receiving a suspended imposition or execution of sentence, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.

Section 1. Any court, upon a plea of guilty or conviction of a crime that the defendant will be required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall enter into the record the age of the victim.

Section 2. No person required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall be granted probation or parole without such registration being a condition of such probation or parole.".

Representative Lograsso offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

to

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill Nos. 788, 428 & 106, Page 2, Section 589.400, Line 2 and Line 7 of said Page, and Line 4 of Page 3, and Line 2 of Page 5, by deleting the words "suspended imposition or".

On motion of Representative Lograsso, House Amendment No. 1 to House Amendment No. 1 was adopted.

On motion of Representative May (108), House Amendment No. 1, as amended, was adopted.

On motion of Representative Smith, HCS HBs 788, 428 & 106, as amended, was adopted.

On motion of Representative Smith, HCS HBs 788, 428 & 106, as amended, was ordered perfected and printed.

HCS HBs 246 & 405, relating to housing tax credits, was placed on the Informal Calendar.

HB 492, relating to securities regulations, was placed on the Informal Calendar.

HCS HBs 427, 40, 196 & 404, relating to infanticide, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus offered HS HCS HBs 427, 40, 196 & 404.

Speaker Gaw assumed the Chair.

HCS HBs 427, 40, 196 & 404, with HS, pending, was laid over.



On motion of Representative Crump, the House recessed until 3:00 p.m.

#### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

#### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 360 - Representatives Hendrickson, Enz and Murphy

House Resolution No. 361 - Representative Summers

House Resolution No. 362 - Representative Pouche

House Resolution No. 363 - Representative Ostmann

#### PERFECTION OF HOUSE BILLS

HCS HBs 427, 40, 196 & 404, with HS, pending, relating to infanticide, was again taken up by Representative Luetkenhaus.

Representative Hollingsworth offered House Amendment No. 1.

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196, & 404, Page 1, Section 565.300, Line 15, by striking the words ", irrespective of the duration of pregnancy," and

Further amend said bill, Page 2, Section 565.300, Line 4, by striking the words ", irrespective of the duration of pregnancy,".

Representative Hollingsworth moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 038

Abel Backer Boykins Bray 84 Campbell

Carter Clayton Daniel 42 Davis 63 Days

Fitzwater Ford Franklin Fraser Graham 24

Gunn Hagan-Harrell Harlan Hilgemann Hollingsworth

Kreider Lakin May 108 Mays 50 McClelland

McLuckie Ostmann Relford Scheve Schilling

Shelton Smith Thompson 72 Troupe Van Zandt

Williams 121 Wilson Mr. Speaker

NOES: 117

Akin Alter Auer Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Britt Burton Champion Chrismer  
Cooper Crawford Crump Daniels 41 Davis 122  
Dolan Dougherty Elliott Enz Evans  
Farnen Foster Froelker Gambaro Gaskill  
George Gibbons Graham 106 Gratz Green  
Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Hoppe Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble McBride McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Schwab  
Scott Secrest Seigfreid Selby Shields  
Stokan Summers Surface Thompson 37 Townley  
Treadway Tudor Vogel Wagner Ward  
Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Cierpiot Foley Hickey Hosmer Kelly 27

Skaggs Wiggins

VACANCIES: 001

Representative Graham (24) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196, & 404, Page 2, Section 565.300, Line 24, by inserting after all of said line the following:

"6. The provisions of this section shall apply only to the third trimester of pregnancy."

Representative Graham (24) offered House Substitute Amendment No. 1 for House Amendment No. 2.

Representative Shields raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 2 is out of order.

The Chair ruled the point of order well taken.

House Amendment No. 2 was withdrawn.

Representative Graham (24) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 & 404, Page 2, Section 565.300, Line 24, by inserting after all of said line the following:

"6. The provisions of this section shall apply only to the second and third trimesters of pregnancy.".

Speaker Gaw resumed the Chair.

Representative Graham (24) moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:

AYES: 036

Backer Boykins Bray 84 Campbell Carter

Clayton Daniel 42 Davis 122 Davis 63 Days

Fitzwater Franklin Fraser Graham 24 Gunn

Hagan-Harrell Hilgemann Hollingsworth Kelly 27 Kreider

Lakin May 108 Mays 50 McLuckie Relford

Scheve Schilling Shelton Stokan Thompson 37

Thompson 72 Troupe Van Zandt Williams 121 Wilson

Mr. Speaker

NOES: 118

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Britt Burton Champion

Chrismer Cierpiot Cooper Crawford Crump

Daniels 41 Dolan Dougherty Elliott Enz

Evans Farnen Foley Foster Gambaro

Gaskill George Gibbons Graham 106 Gratz

Green Griesheimer Gross Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Hoppe Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Koller  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Schwab Scott Secrest Seigfreid  
Selby Shields Summers Surface Townley  
Treadway Tudor Vogel Wagner Ward  
Wiggins Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Ford Froelker Harlan Hickey Hosmer  
Nordwald Skaggs Smith

VACANCIES: 001

Representative Clayton offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 & 404, Page 2, Section 565.300, Line 12, by inserting the following: "(4) "Severe Health Consequences" includes a condition suffered by the mother, which may include paralysis, brain damage, infertility, risk of stroke, or failure of vital organs. This provision shall not include concerns of mental health, mild non-health threatening conditions such as influenza or any condition that does not carry a substantial threat to the mother.";

and further amending said House Committee Substitute, Page 2, Section 565.300, Line 21, to include the following: "prevent the occurrence of severe health consequences upon the mother or to".

Representative Kelley (47) raised a point of order that House Amendment No. 3 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Clayton moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 044

Backer Boykins Bray 84 Britt Campbell



Carter Clayton Daniel 42 Davis 122 Davis 63  
Days Dougherty Fitzwater Franklin Fraser  
Graham 24 Gunn Hagan-Harrell Harlan Hilgemann  
Hollingsworth Kelly 27 Kreider Lakin May 108  
Mays 50 McClelland McLuckie Ostmann Relford  
Scheve Schilling Seigfreid Shelton Skaggs  
Smith Stokan Thompson 72 Troupe Van Zandt  
Ward Williams 121 Wilson Mr. Speaker

**NOES: 114**

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Burton Champion Chrismer  
Cierpiot Cooper Crawford Crump Daniels 41  
Dolan Elliott Enz Evans Farnen  
Foley Foster Froelker Gambaro Gaskill  
George Gibbons Graham 106 Gratz Green  
Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Holand  
Hoppe Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Schwab Scott  
Secrest Selby Shields Summers Surface  
Thompson 37 Townley Treadway Tudor Vogel  
Wagner Wiggins Williams 159 Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 004**

**Ford Hohulin Hosmer McBride**

**VACANCIES: 001**

Representative Luetkenhaus offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 & 404, Section 565.300, Page 1, Line 19, by inserting, the word "or" before the word "brain".

On motion of Representative Luetkenhaus, House Amendment No. 4 was adopted.

On motion of Representative Luetkenhaus, HS HCS HBs 427, 40, 196 & 404, as amended, was adopted.

On motion of Representative Luetkenhaus, HS HCS HBs 427, 40, 196 & 404, as amended, was ordered perfected and printed.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 166, relating to good faith employee negotiation, was taken up by Representative McLuckie.

Representative McLuckie offered HS HCS HB 166.

Representative McLuckie offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 8, Section 105.520, Line 10, by inserting at the end of said line the following: "Ratification of any such proposal by the labor organization shall take place pursuant to the bylaws of such labor organization."

On motion of Representative McLuckie, House Amendment No. 1 was adopted.

Representative Kreider offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 23, Section 3, Line 24 and Page 24, Section 3, Lines 1 to 7, by deleting all of said lines and inserting in lieu thereof the following:

"Section 3. 1. After a negotiated agreement has been agreed to by a public body and the exclusive bargaining representative of an appropriate unit of employees of that public body, that portion of the final agreement which requires the public body to appropriate public funds, and any portion of the final agreement found to be in conflict with any statute, ordinance or order of the public body shall take effect only upon approval of the legislative body of the public body of the appropriation of such funds or enactment of a statute, an order or ordinance intended to remove any conflict with any statute, ordinance or order as a result of the final agreement. Such portion of the final agreement requiring approval of the legislative body of a public body other than the state shall be accepted or rejected by such legislative body within thirty days of the final agreement. Such portion of the final agreement requiring approval of the general assembly shall be accepted or rejected by the general assembly within that regular session, if such final agreement is reached prior to the first day of March of the year in which appropriations are to be considered by the general assembly. If such final agreement is reached on or after the first day of March of the year in which appropriations are to be considered by the general assembly, the state and the exclusive bargaining representative of an appropriate unit of employees of the state may submit amendments to the final agreement to the general assembly no later than the first day of November of that year and the general assembly shall accept or reject the final agreement and each proposed amendment submitted within thirty days of its next regular session in consideration of the next fiscal year. If the legislative body rejects such final agreement and any amendments requiring approval, such legislative body shall make recommendations in lieu of the final agreement and amendments, if any, which may be included in the appropriation process. That portion of the final agreement which does not require funds to be expended by the public body or does not conflict with any statute, ordinance or order of the public body shall take effect immediately upon the agreement being reduced to writing and signed by the parties

to the agreement."

On motion of Representative Kreider, House Amendment No. 2 was adopted by the following vote:

**AYES: 084**

Abel Auer Backer Barry 100 Bennett  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Dougherty  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Graham 24 Gratz  
Green Gunn Hagan-Harrell Harlan Hickey  
Hilgemann Hollingsworth Hoppe Kelly 27 Kennedy  
Kissell Kreider Lakin Lawson Leake  
Levin Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Reid Relford Reynolds Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

**NOES: 077**

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkowitz Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Cooper Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Gross Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Howerton Kasten Kelley 47 King  
Klindt Koller Legan Linton Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schwab Scott Secrest  
Shields Summers Surface Townley Tudor  
Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 001

Hosmer

VACANCIES: 001

Representative O'Toole offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.510, Page 5, Line 19, by deleting on said line the words "employee organization" and inserting in lieu thereof the words "exclusive bargaining representative".

Representative May (108) offered House Substitute Amendment No. 1 for House Amendment No. 3.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.510, Page 5, Line 19, by inserting immediately after the words "employee organization" the following:

"that is the exclusive bargaining representative"

And, further amend said bill, section 105.510, Page 6, Line 11, by inserting immediately after the word "determination" the following:

"before a qualified impartial third party"

And further amend said bill, section 105.510, Page 6, Line 20, by deleting on said line the word "representative" and inserting in lieu thereof the following:

"exclusive bargaining representative".

Representative Shields raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 3 is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Shields requested a division of the question.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

PART I

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.510, Page 5, Line 19, by



*inserting immediately after the words "employee organization" the following:*

*"that is the exclusive bargaining representative"*

*On motion of Representative May (108), Part I of House Substitute Amendment No. 1 for House Amendment No. 3 was adopted.*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

***PART II***

*AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.510, Page 6, Line 11, by inserting immediately after the word "determination" the following:*

*"before a qualified impartial third party"*

*On motion of Representative May (108), Part II of House Substitute Amendment No. 1 for House Amendment No. 3 was adopted.*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

***PART III***

*AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.510, Page 6, Line 20, by deleting on said line the word "representative" and inserting in lieu thereof the following:*

*"exclusive bargaining representative".*

*On motion of Representative May (108), Part III of House Substitute Amendment No. 1 for House Amendment No. 3 was adopted.*

*Representative Wagner offered House Amendment No. 4.*

*House Amendment No. 4*

*AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 7, Section 105.510, Line 17, by deleting the following: "body;" and inserting in lieu thereof the following: "body, except for legislator assistants;"*

*Representative Luetkenhaus offered House Substitute Amendment No. 1 for House Amendment No. 4.*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

*AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 7, Section 105.510, Lines 15 to 17, by deleting all of said lines; and*

**Further amend said bill, Page 7, Section 105.510, Line 18, by deleting the number "(8)" and inserting in lieu thereof the number "(7)".**

**On motion of Representative Luetkenhaus, House Substitute No. 1 for House Amendment No. 4 was adopted by the following vote:**

**AYES: 155**

**Abel Akin Alter Auer Backer**

**Ballard Barnett Barry 100 Bartelsmeyer Bartle**

**Bennett Berkowitz Berkstresser Black Blunt**

**Boatright Bonner Boucher Boykins Bray 84**

**Britt Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Crawford**

**Crump Daniel 42 Daniels 41 Davis 122 Davis 63**

**Days Dolan Dougherty Elliott Enz**

**Evans Farnen Fitzwater Foley Ford**

**Foster Franklin Fraser Froelker Gambaro**

**Gaskill George Gibbons Graham 106 Graham 24**

**Gratz Green Griesheimer Gross Gunn**

**Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124**

**Hendrickson Hickey Hilgemann Hohulin Holand**

**Hollingsworth Hoppe Howerton Kasten Kelly 27**

**Kennedy King Kissell Klindt Koller**

**Kreider Lakin Lawson Leake Legan**

**Levin Liese Linton Lograsso Long**

**Luetkemeyer Luetkenhaus Marble May 108 Mays 50**

**McBride McClelland McKenna McLuckie Merideth**

**Miller Monaco Murphy Murray Myers**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reid Reinhart Relford**

**Reynolds Richardson Ridgeway Rizzo Robirds**

**Ross Sallee Scheve Schilling Schwab**

**Scott Secrest Selby Shelton Shields**

**Skaggs Smith Stokan Summers Surface**

**Thompson 37 Thompson 72 Townley Treadway Tudor**

**Van Zandt Vogel Wagner Ward Wiggins**

**Williams 121 Williams 159 Wilson Wright Mr. Speaker**

**NOES: 002**

**Loudon Seigfreid**

**PRESENT: 000**

**ABSENT WITH LEAVE: 005**

**Harlan Hegeman Hosmer Kelley 47 Troupe**

**VACANCIES: 001**

**Representative Kelly (27) offered House Amendment No. 5.**

**House Amendment No. 5**

**AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 15, Section 105.525, Lines 21 to 24, and Page 16, Section 105.525, Lines 1 to 12, by deleting all of said lines and inserting in lieu thereof the following:**

**"9. (1) No rule or portion of a rule promulgated pursuant to this chapter shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."**

**On motion of Representative Kelly (27), House Amendment No. 5 was adopted.**

**Representative May (108) offered House Amendment No. 6.**

**House Amendment No. 6**

**AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 18, Section 105.530, Line 6, by deleting the following: "deduction." and inserting in lieu thereof the following: "deduction, and may be fined for each day during which the failure to comply continues."**

**Representative Leake offered House Substitute Amendment No. 1 for House Amendment No. 6.**

**House Substitute Amendment No. 1**

**for**

**House Amendment No. 6**

**AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 18, Section 105.530, Line 6, by deleting the following: "deduction." and inserting in lieu thereof the following: "deduction, and shall be fined one thousand dollars for each day during which the failure to comply continues."**

**On motion of Representative Leake, House Substitute Amendment No. 1 for House Amendment No. 6 was adopted.**

**HCS HB 166, with HS, as amended, pending, was laid over.**

#### **APPOINTMENT OF CONFEREES**

**The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:**

**SCS HCS HB 14: Representatives Franklin, Williams (121), Troupe, Legan and Shields**

#### **LETTER OF OBJECTION**

**March 2, 1999**

**Anne Walker**

**Chief Clerk, Missouri House of Representatives**

**State Capitol**

**Jefferson City, MO 65101**

**Dear Anne:**

**Come now the undersigned members of the 90th General Assembly do hereby object to the status of HB 446 as a consent bill.**

**Signature District Number:**

**/s/ Tim Harlan 23**

**/s/ Tim Van Zandt 38**

**/s/ Glenda Kelly 27**

**/s/ Patrick Naeger 155**

**/s/ John E. Griesheimer 109**

**REFERRAL OF HOUSE BILL**

**The following House Bill was referred to the Committee indicated pursuant to Rule 48:**

**HB 446 - Rules, Joint Rules and Bills and Perfected**

**REFERRAL OF HOUSE BILL - APPROPRIATIONS**

**The following House Bill was referred to the Committee indicated:**

**HB 18 - Budget**

**REFERRAL OF HOUSE BILLS**

**The following House Bills were referred to the Committee indicated:**

**HB 969 - Labor**

**HB 971 - Municipal Corporations**

**COMMITTEE REPORTS**

**Committee on Civil and Administrative Law, Chairman Smith reporting:**

**Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 426, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 741, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 796, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**



**Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred HB 852, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Insurance, Chairman Auer reporting:**

**Mr. Speaker: Your Committee on Insurance, to which was referred HB 142, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Labor, Chairman Hickey reporting:**

**Mr. Speaker: Your Committee on Labor, to which was referred HB 769, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters, Chairman Hoppe reporting:**

**Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred HB 412, begs leave to report it has examined the same and recommends that it Do Pass.**

**Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred HB 795, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Public Health, Chairman Ladd Stokan reporting:**

**Mr. Speaker: Your Committee on Public Health, to which was referred HB 454, begs leave to report it has examined the same and recommends that it Do Pass.**

**Mr. Speaker: Your Committee on Public Health, to which was referred HB 721, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Social Services, Medicaid and the Elderly, Chairman Gunn reporting:**

**Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred HB 550, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on State Parks, Natural Resources and Mining, Chairman McBride reporting:**

**Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred HB 776, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred HB 791, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred HB 800, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred HB 834, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

#### **INTRODUCTION OF HOUSE BILLS**

**The following House Bills were read the first time and copies ordered printed:**

**HB 1008, introduced by Representative Ridgeway, relating to the definition of the term owner for purposes of**

*workers' compensation coverage pertaining to written lease-purchase agreements.*

*HB 1009, introduced by Representative Shelton, relating to powers of municipalities.*

*HB 1010, introduced by Representatives Hoppe and Murray, relating to the calculation of average compensation for certain members of the Missouri state employees' retirement system.*

*HB 1011, introduced by Representatives Bartle, Hanaway, Blunt, Reinhart, Wright, Luetkemeyer and Purgason, et al, relating to repealing expired provisions of law.*

*HB 1012, introduced by Representatives Bartle, Hanaway, Blunt, Tudor, Wright, Myers and Black, et al, relating to repealing provisions of law declared to be unconstitutional.*

*HB1013, introduced by Representative Harlan, relating to the Missouri property and casualty insurance guaranty association.*

*HB 1014, introduced by Representative Kennedy, relating to trust funds of the court.*

*HB 1015, introduced by Representative Graham (106), authorizing the governor to convey certain state property to the state highways and transportation commission.*

*HB 1016, introduced by Representative Sallee, relating to child visitation.*

#### **MESSAGES FROM THE SENATE**

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on SCS HCS HB 14: Senators Goode, Maxwell, Russell, Westfall and Wiggins.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 294, entitled:*

*An act to repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.*

*Emergency clause defeated.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SBs 8 & 173, entitled:*

*An act to amend chapter 192, RSMo, by adding thereto three new sections relating to the department of health.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS SCS SBs 160 & 82, entitled:*

*An act to repeal sections 249.645, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 247.030, 247.040 and 644.031, RSMo Supp. 1998, and to enact in lieu thereof seventeen new sections relating to water and service services, with an emergency clause for a certain section.*

*Emergency clause adopted.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SBs 308 & 314, entitled:*

*An act to repeal sections 104.352, 104.354, 104.370 and 104.610, RSMo 1994, and sections 104.010, 104.395, 104.401,*

104.410, 104.420, 104.612 and 104.620, RSMo Supp. 1998, relating to certain state retirement systems, and to enact in lieu thereof forty-two new sections relating to the same subject.

*In which the concurrence of the House is respectfully requested.*

#### **ADJOURNMENT**

*On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, March 4, 1999.*

#### **CORRECTIONS TO THE HOUSE JOURNAL**

*Correct House Journal, Thirty-second Day, Tuesday, March 2, 1999, page 573, roll call, by showing Representatives Franklin and Kelley (47) voting "aye" rather than "absent with leave".*

*Page 574, roll call, by showing Representatives Dolan and Franklin voting "aye" rather than "absent with leave".*

*Pages 578 and 579, roll call, by showing Representatives Akin, Barry, Blunt and Hosmer voting "aye" rather than "absent with leave".*

*Page 579, roll call, by showing Representatives Akin and Hosmer voting "aye" rather than "absent with leave".*

*Page 580, roll call, by showing Representatives Akin and Hosmer voting "aye" rather than "absent with leave".*

*Page 581, roll call, by showing Representatives Akin, May (108), Parker and Ridgeway voting "aye" rather than "absent with leave".*

*Page 582, roll call, by showing Representative Akin voting "aye" rather than "absent with leave".*

*Page 583, roll call, by showing Representatives Akin and Hoppe voting "aye" rather than "absent with leave".*

*Pages 584 and 585, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".*

*Pages 586 and 587, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".*

*Pages 587 and 588, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".*

*Pages 587 and 588, roll call, by showing Representatives Crawford, Luetkemeyer, Myers and Nordwald voting "no" rather than "aye".*

#### **COMMITTEE MEETINGS**

##### **APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES**

*Thursday, March 4, 1999, 8:00 am. Hearing Room 5. Discuss items brought up in committee.*

##### **BUDGET**

*Thursday, March 4, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget.*

##### **BUDGET**

*Thursday, March 4, 1999. Hearing Room 6 upon morning adjournment.*

*Executive session on proposed FY 2000 budget.*



#### **COMMERCE**

*Thursday, March 4, 1999. Hearing Room 9 upon adjournment. Executive session may follow.*

*To be considered - HB 701*

#### **ELECTIONS**

*Tuesday, March 9, 1999, 8:00 pm. Hearing Room 8. If the House is in night session, the meeting will be postponed.*

*To be considered - HEC 2*

#### **ENVIRONMENT AND ENERGY**

*Thursday, March 4, 1999, 8:30 am. Hearing Room 9. Executive session may follow.*

*To be considered - HB 797, HB 929, HCR 16*

#### **GOVERNMENTAL ORGANIZATION AND REVIEW**

*Thursday, March 4, 1999. Northeast side gallery upon adjournment.*

*To be considered - Executive Session - HB 109, Executive Session - HB 789*

#### **INSURANCE**

*Tuesday, March 9, 1999, 8:00 am. Hearing Room 8. Executive session may follow.*

*To be considered - HB 630, HB 743, HB 903, HB 926*

#### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

*Monday, March 8, 1999, 10:00 am. Senate Lounge. Dept. of Public Safety.*

*MO Gaming Commission, Dept. of Health Office of the Director.*

#### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

*Thursday, March 4, 1999, 9:15 am. Hearing Room 7.*

#### **MISSOURI TOBACCO SETTLEMENT**

*Thursday, March 4, 1999, 9:30 am. Northeast side gallery. Executive session. CANCELLED.*

#### **PROFESSIONAL REGISTRATION & LICENSING**

*Thursday, March 4, 1999. Northwest corner of gallery upon morning adjournment.*

*To be considered - SB 225*

#### **RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

*Thursday, March 4, 1999, 9:00 am. Hearing Rooms 1 and 2. AMENDED NOTICE.*

*Executive session may follow.*

*To be considered - HB 252, HB 459*

#### **SUBCOMMITTEE ON INMATE CALLING**

*Monday, March 8, 1999, 1:00 pm. Hearing Room 5.*

*To be considered - HB 601*



**UTILITIES REGULATION**

*Thursday, March 4, 1999, 8:15 am. Hearing Room 8. Executive session may or may not follow.*

*To be considered - HB 915*

**HOUSE CALENDAR**

**THIRTY-FOURTH DAY, THURSDAY, MARCH 4, 1999**

**HOUSE BILLS FOR SECOND READING**

*HB 1008 through HB 1016*

**HOUSE BILLS FOR PERFECTION**

*1 HB 201 - Boucher*

*2 HB 261 - Auer*

*3 HCS HB 686 - Murray*

*4 HCS HB 343 - Treadway*

*5 HCS HB 889 - Fitzwater*

*6 HCS HB 676 - Days*

*7 HCS HB 389 - Hoppe*

*8 HCS HB 818 - Days*

*9 HB 753 - Rizzo*

**HOUSE BILLS FOR PERFECTION - INFORMAL**

*1 HCS HB 26 & 117, as amended - Kreider*

*2 HCS HB 351 & 295, HS, as amended, pending - Scheve*

*3 HCS HB 166, HS, as amended, pending - McLuckie*

*4 HCS HB 246 & 405 - Bray*

*5 HB 492 - Hosmer*

**HOUSE BILLS FOR PERFECTION - CONSENT**

*(February 25, 1999)*

*1 HB 568 - May (108)*

*2 HB 487 - Hollingsworth*

*3 HB 145 - Wiggins*

*4 HB 589 - Graham (106)*

**5 HB 708 - Merideth**

**6 HB 409 - McBride**

**(March 2, 1999)**

**7 HB 607 - Riback Wilson**

**8 HB 893 - Murray**

**9 HB 866 - Treadway**

**10 HB 867 - McKenna**

**11 HB 861 - Griesheimer**

**12 HB 528 - Chrismer**

**(March 4, 1999)**

**13 HB 741 - Monaco**

**14 HB 920 - Farnen**

**15 HB 834 - Crump**

**16 HB 352 - Foley**

**17 HB 791 - Wagner**

**18 HB 402 - Relford**

**19 HB 721 - Barry**

**20 HB 779 - Skaggs**

**21 HB 795 - Kennedy**

**22 HB 853 - Seigfreid**

**23 HB 796 - Smith**

**24 HB 778 - Luetkenhaus**

**25 HB 776 - McBride**

**26 HB 476 - Hegeman**

**27 HB 800 - Linton**

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

**HCR 20, (3-24-99, pgs 511 & 512) - Thompson (37)**

**HOUSE BILLS FOR THIRD READING**

**1 HS HB 516, (Fiscal Review 3-1-99) - Bray**

**2 HCS HB 490, (Fiscal Review 3-3-99) - Hollingsworth**

**3 HCS HB 267 - Hoppe**

**4 HCS HB 621, (Fiscal Review 3-3-99) - Relford**

**5 HCS HB 316, 660 & 203, (Fiscal Review 3-3-99) - Ladd-Stokan**

**6 HCS HB 308 - Dougherty**

**HOUSE BILLS FOR THIRD READING - CONSENT**

**1 HB 570 - Rizzo**

**2 HB 453 - Gross**

**3 HB 473 - Legan**

**4 HB 257 - Seigfreid**

**5 HB 326 - Parker**

**6 HB 290 - Champion**

**SENATE BILLS FOR SECOND READING**

**1 SCS SB 8 & 173**

**2 SS SCS SB 160 & 82**

**3 SB 294**

**4 SCS SB 308 & 314**

**BILL IN CONFERENCE**

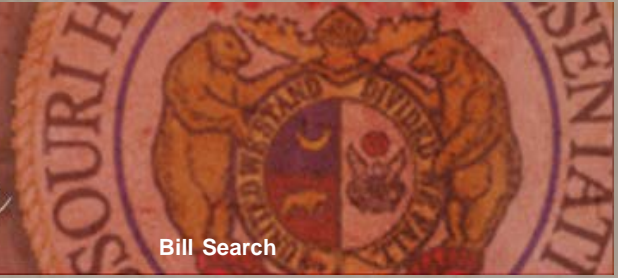
**SCS HCS HB 14 - Franklin**



**Missouri House of Representatives**

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-FOURTH DAY, Thursday, March 4, 1999

Speaker Gaw in the Chair.

Prayer by Representative Matt Blunt.

Heavenly Father, we ask for Your blessings on Missouri on this day. Help this body to remember that we are not the most important thing in this state, but temper that with the realization that what we do is important. Let us understand that what we do in an instant could have far reaching and long lasting consequences for our fellow citizens.

Lord, enable us to lead this state with Your commands as our guide. Force us to the realization that any law which contradicts Your commandments is doomed to failure.

Bless this body and bless this state in Christ's name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Elizabeth Kilby, Libbi Gordon, Ricky Woods, Staci Peterson, Michelle Jansen, Krystal Newman, Carl Hicks, T.J. Duane, Benjamin James Young, William Arthur Young, Rachel Catherine Young and Lisa Kristine Young.

The Journal of the thirty-third day was approved as corrected.

### HOUSE RESOLUTION OFFERED

House Resolution No. 366 - Representative Gibbons, et al

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 364 - Representative Graham (24)

House Resolution No. 365 - Representative Sallee

House Resolution No. 367 - Representative Gaw



## SECOND READING OF HOUSE BILLS

HB 1008 through HB 1016 were read the second time.

## SECOND READING OF SENATE BILLS

SCS SBs 8 & 173, SS SCS SBs 160 & 82, SB 294 and SCS SBs 308 & 314 were read the second time.

## COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HCS HB 316, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HCS HB 490, HCS HB 621, HCS HB 267 and HCS HB 308, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 166, with HS, as amended, pending, relating to good faith employee negotiation, was taken up by Representative McLuckie.

Representative Fitzwater offered House Amendment No. 7.

### *House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.525, Page 16, Line 17 of said page, by adding after the end of the line the following:

"10. (1) There is hereby created the "Collaborative Bargaining Training Academy" under the auspices of the board of mediation. The purpose of the academy is to provide training for school district officers and teacher representatives in collaborative, interest-based, nontraditional bargaining.

(2) Such training will be available upon the request of the school district or teacher representatives for school districts whose teachers have voted for a bargaining arrangement.

(3) The academy is not a single institution but is an organizational framework for a wide array of educational and training programs for district officers and teacher representatives, which may be conducted at several sites in the state by the board, individually or through contract.

(4) The board may charge a reasonable fee to cover the expenses and costs related to the academy. Such fees shall be deposited in the collaborative bargaining training fund, which is hereby created. Participant travel, living and incidental costs shall be at the expense of the participant or may be reimbursed by a local school district."

Representative Loudon raised a point of order that House Amendment No. 7 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Marble offered House Substitute Amendment No. 1 for House Amendment No. 7.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.525, Page 16, Line 17 of said page, by adding after the end of the line the following:

"10. (1) There is hereby created the "Collaborative Bargaining Training Academy" under the auspices of the board of mediation. The purpose of the academy is to provide training for all representatives in collaborative, interest-based, nontraditional bargaining.

(2) Such training will be available upon the request of the representatives for a bargaining arrangement. (3) The academy is not a single institution but is an organizational framework for a wide array of educational and training programs for representatives, which may be conducted at several sites in the state by the board, individually or through contract.

(4) The board may charge a reasonable fee to cover the expenses and costs related to the academy. Such fees shall be deposited in the collaborative bargaining training fund, which is hereby created. Participant travel, living and incidental costs shall be at the expense of the participant."

Representative Marble moved that House Substitute Amendment No. 1 for House Amendment No. 7 be adopted.

Which motion was defeated.

Representative Froelker offered House Substitute Amendment No. 2 for House Amendment No. 7.

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.525, Page 16, Line 17 of said page, by adding after the end of the line the following:

"10. (1) There is hereby created the "Collaborative Bargaining Training Academy" under the auspices of the board of mediation. The purpose of the academy is to provide training for school district officers and teacher representatives in collaborative, interest-based, nontraditional bargaining.

(2) Such training will be available upon the request of the school district.

(3) The academy is not a single institution but is an organizational framework for a wide array of educational and training programs for district officers and teacher representatives, which may be conducted at several sites in the state by the board, individually or through contract.

(4) The board may charge a reasonable fee to cover the expenses and costs related to the academy. Such fees shall be deposited in the collaborative bargaining training fund, which is hereby created. Participant travel, living and incidental costs shall be at the expense of the participant or may be reimbursed by a local school district."

Representative Monaco raised a point of order that House Substitute Amendment No. 2 for House Amendment No. 7 is dilatory.

The Chair ruled the point of order not well taken.

Representative Froelker moved that House Substitute Amendment No. 2 for House Amendment No. 7 be adopted.

Which motion was defeated by the following vote:

**AYES: 078**

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Cooper Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Gratz Griesheimer Gross Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Howerton Kasten Kelley 47 King  
Klindt Legan Levin Linton Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reid Reinhart Richardson Ridgeway  
Roberts Ross Sallee Schwab Scott  
Secrest Shields Summers Surface Townley  
Tudor Vogel Wright

**NOES: 082**

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 24 Green Gunn  
Hagan-Harrell Hampton Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Liese Luetkenhaus May 108 Mays 50 McBride  
McKenna McLuckie Monaco Murray O'Connor  
O'Toole Overschmidt Parker Ransdall Relford  
Reynolds Rizzo Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Treadway Troupe Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

**PRESENT: 000**

**ABSENT WITH LEAVE: 002**

**Crump Harlan**

**VACANCIES: 001**

**On motion of Representative Fitzwater, House Amendment No. 7 was adopted.**

**Representative Williams (121) offered House Amendment No. 8.**

***House Amendment No. 8***

**AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.520, Page 9, Line 7, by inserting immediately before the word "Nothing" the following:**

**"Any school district which has a collective bargaining agreement with its teachers will be considered to be in compliance with the salary compliance law."**

**Representative Relford offered House Substitute Amendment No. 1 for House Amendment No. 8.**

***House Substitute Amendment No. 1***

***for***

***House Amendment No. 8***

**AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 105.520, Page 9, Line 7, by inserting immediately before the word "Nothing" the following:**

**"In any school year that a collective bargaining agreement as defined in this act is in force between a school district and the exclusive representative of its teachers the provisions of section 165.016 shall not apply to such district."**

**On motion of Representative Relford, House Substitute Amendment No. 1 for House Amendment No. 8 was adopted.**

**Representative Hagan-Harrell offered House Amendment No. 9.**

**Representative Shields raised a point of order that House Amendment No. 9 is not germane to the bill.**

**The Chair ruled the point of order well taken.**

**Representative Ward offered House Amendment No. 9.**

***House Amendment No. 9***

**AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 11, Section 105.520, Line 11, by striking the words "members of the"; and**

**Further amend said section, Line 12, by striking the word "patrol" and inserting in lieu thereof the word "patrolmen".**

**Representative Elliott offered House Substitute Amendment No. 1 for House Amendment No. 9.**

**House Substitute Amendment No. 1 for House Amendment No. 9 was withdrawn.**

**On motion of Representative Ward, House Amendment No. 9 was adopted.**



HCS HB 166, with HS, as amended, pending, was laid over.

### THIRD READING OF HOUSE BILLS

HCS HB 308, relating to child care facilities, was taken up by Representative Dougherty.

On motion of Representative Dougherty, HCS HB 308 was read the third time and passed by the following vote:

**AYES: 141**

Abel Alter Auer Backer Barnett  
Barry 100 Bartle Bennett Berkowitz Black  
Blunt Boatright Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Cooper  
Crawford Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Levin Liese Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shields Skaggs Smith Stokan  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

**NOES: 017**

Akin Ballard Bartelsmeyer Berkstresser Foster  
Hohulin Howerton Legan Linton Lograsso  
Long Loudon Pouche Richardson Ridgeway  
Scott Summers

**PRESENT: 000**

**ABSENT WITH LEAVE: 004**

Harlan Rizzo Shelton Thompson 37

**VACANCIES: 001**

Speaker Gaw declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Williams (121) moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

HCS HB 267, relating to liquor control, was taken up by Representative Hoppe.

On motion of Representative Hoppe, HCS HB 267 was read the third time and passed by the following vote:

**AYES: 098**

Abel Auer Backer Barry 100 Bennett  
Berkowitz Berkstresser Blunt Bonner Boucher  
Boykins Bray 84 Britt Campbell Carter  
Clayton Cooper Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dolan Dougherty  
Farnen Fitzwater Foley Franklin Fraser  
Gambaro George Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hanaway  
Harlan Hegeman Hickey Hilgemann Hollingsworth  
Hoppe Howerton Kelly 27 Kennedy Kissell  
Kreider Lakin Lawson Leake Liese  
Lograsso Long Luetkemeyer Luetkenhaus May 108  
Mays 50 McKenna McLuckie Merideth Monaco  
Murray Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Relford  
Reynolds Rizzo Robirds Ross Scheve  
Seigfreid Selby Shields Smith Stokan

Thompson 37 Thompson 72 Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 159 Wilson Mr. Speaker

**NOES: 061**

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Black Boatright Burton Champion

Chrismer Cierpiot Crawford Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Hampton Hartzler 123 Hartzler 124 Hendrickson

Hohulin Holand Hosmer Kasten Kelley 47

King Klindt Koller Legan Levin

Linton Loudon Marble McBride McClelland

Miller Murphy Myers Naeger Patek

Purgason Reid Reinhart Richardson Ridgeway

Sallee Schilling Schwab Scott Secrest

Skaggs Summers Surface Townley Williams 121

Wright

**PRESENT: 000**

**ABSENT WITH LEAVE: 003**

Ford Ransdall Shelton

**VACANCIES: 001**

Speaker Gaw declared the bill passed.

On motion of Representative Foley, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

HCS HBs 246 & 405, relating to housing tax credits, was taken up by Representative Bray.

Representative Bray offered HS HCS HBs 246 & 405.

Representative Green offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 246 & 405, Page 15, Section 2, Line 13 by deleting the word "fifty" and inserting in lieu thereof the word "forty".

On motion of Representative Green, House Amendment No. 1 was adopted.

On motion of Representative Bray, HS HCS HBs 246 & 405, as amended, was adopted.

On motion of Representative Bray, HS HCS HBs 246 & 405, as amended, was ordered perfected and printed.

#### PERFECTION OF HOUSE BILLS

HB 201, relating to state procurement, was taken up by Representative Boucher.

On motion of Representative Boucher, HB 201 was ordered perfected and printed.

HB 261, relating to transportation sales taxation, was placed on the Informal Calendar.

HCS HB 686, relating to recreational systems, was placed on the Informal Calendar.

HCS HB 343, relating to professional registration, was taken up by Representative Treadway.

Representative Ostmann offered House Amendment No. 1.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 343, Page 74, Section 20, Line 2, by inserting after all of said line the following:

"Section 1. 1. As used in this section, "mental health care provider" means any person licensed pursuant to chapter 334, RSMo, chapter 335, RSMo, or chapter 337, RSMo.

2. To provide repressed memory therapy, recovered memory therapy, reparenting therapy or multiple personality disorder treatment, a person shall be a mental health care provider as defined in subsection 1 of this section. Prior to providing such therapy or treatment, the mental health care provider shall provide full disclosure and obtain specific written consent for such therapy or treatment from the patient, or the patient's parent or legal guardian."; and

Further amend title and enacting clause accordingly.

On motion of Representative Ostmann, House Amendment No. 1 was adopted.

Representative Hanaway offered House Amendment No. 2.

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 343, Page 48, Section 334.100, Lines 1-241, by deleting all of said section:

and Pages 48-49, Section 334.505, Lines 1-33, by deleting all of said section.

Representative Hanaway moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:



**AYES: 060**

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Boatright  
Bonner Burton Champion Cierpiot Crawford  
Davis 122 Elliott Enz Evans Farnen  
Foster Gibbons Graham 106 Hanaway Hartzler 123  
Hartzler 124 Hendrickson Holand Howerton King  
Klindt Kreider Levin Lograsso Long  
Loudon Luetkemeyer Marble Miller Naeger  
Pryor Reinhart Relford Reynolds Ridgeway  
Robirds Ross Sallee Scott Secrest  
Seigfreid Selby Shields Smith Stokan  
Tudor Vogel Ward Wiggins Wright

**NOES: 082**

Abel Auer Backer Berkowitz Blunt  
Boucher Boykins Bray 84 Britt Campbell  
Carter Chrismer Clayton Cooper Crump  
Daniel 42 Daniels 41 Davis 63 Days Dolan  
Fitzwater Foley Franklin Fraser Gambaro  
George Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hegeman Hickey Hilgemann Hohulin Hollingsworth  
Hoppe Hosmer Kasten Kelley 47 Kelly 27  
Kissell Koller Lakin Lawson Leake  
Legan Liese Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna Merideth Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Patek Pouche Purgason Reid Richardson  
Schilling Schwab Skaggs Summers Thompson 72  
Treadway Van Zandt Wagner Williams 121 Williams 159  
Wilson Mr. Speaker

**PRESENT: 000**

**ABSENT WITH LEAVE: 020**

Barry 100 Dougherty Ford Froelker Gaskill  
Kennedy Linton McLuckie Murphy Myers  
Nordwald Ostmann Ransdall Rizzo Scheve  
Shelton Surface Thompson 37 Townley Troupe

VACANCIES: 001

Representative Hosmer offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 343, Page 28, Line 5, by adding the following:

Until the board is established and rules promulgated pursuant to Section 324.240 to 324.275 no municipal or county ordinance regulating massage therapy shall be preempted and may be fully enforced.

And further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 3 was adopted.

On motion of Representative Treadway, HCS HB 343, as amended, was adopted.

On motion of Representative Treadway, HCS HB 343, as amended, was ordered perfected and printed.

#### PERFECTION OF HOUSE BILL - INFORMAL

HCS HBs 26 & 117, as amended, relating to first degree murder, was taken up and placed back on the Informal Calendar.

#### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 945 - Consumer Protection and Housing

HB 954 - Education - Higher

#### COMMITTEE REPORTS

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) HB 145, HB 708, HB 568, HB 409, HB 487 and HB 589, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Committee on Budget, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred HB 1, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Commerce, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred HB 701, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Criminal Law, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred HB 327, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Criminal Law, to which was referred HB 328, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Criminal Law, to which was referred HB 850 and HB 851, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Critical Issues, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred HB 718, HB 225, HB 876 and HB 838, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Elections, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred HCR 3, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

House Committee Substitute

For

House Concurrent Resolution No. 3

Relating to Joint Committee on Legislative Term Limits.

WHEREAS, at the general election of 1992, seventy-five percent of Missouri voters adopted a measure to limit the terms of members of the Missouri General Assembly; and

WHEREAS, all legislators elected after 1992 are limited to a maximum of eight years, or four terms, in the Missouri House of Representatives, and eight years, or two terms, in the Missouri Senate; and

WHEREAS, while the merits of legislative term limits can and will be debated by numerous citizens and interested parties, there is no question: that term limits are part of the Missouri Constitution; that this law has already shortened the terms of some Missouri legislators; and that these limits will produce substantial repercussions on state government in the foreseeable future; and

WHEREAS, it would be a responsible and prudent action to prepare for the impending impact of legislative term limits; and

WHEREAS, it should be determined whether term limits will affect the balance of power between the legislative, executive and judicial branches, and if so, what measures should be taken to preserve the strength of the legislative branch; and

WHEREAS, it should also be determined whether term limits are likely to lead to an increased influence for state government employees and governmental consultants, or lobbyists, and, if so, if any preparations should be made to counteract this increased influence; and

WHEREAS, because of term limits, the citizen-members of the Missouri General Assembly will be expected to assume leadership positions and committee chairmanships at a faster rate than is currently expected even though they will have less time to study issues or learn the legislative process; and

WHEREAS, the potential impact on urban, suburban and rural issues and representation should be studied; and

WHEREAS, it could be of great assistance in preparing for the impact of term limits if ideas, recommendations and information could be garnered from present and former legislators, political scientists, interested citizens and scholars who have previously studied this issue and are familiar with term limit ramifications in other states:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Legislative Term Limits be created to study the likely effects of term limits and to make recommendations on how best to prepare for the impact of term limits; and

BE IT FUTHER RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro Tem of the Senate, with no more than three House members or three Senate members being from the same political party and with at least two House members and two Senate members first being elected in or prior to November 1994 and at least one House member and one Senate member first being elected after November 1994; and

BE IT RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT RESOLVED that the committee report its recommendations and finds to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

Mr. Speaker: Your Committee on Elections, to which was referred HJR 2, begs leave to report it has examined the same and recommends that it Do Pass.

Mr. Speaker: Your Committee on Elections, to which was referred HB 499, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Elections, to which was referred HB 536, begs leave to report it has examined the same and recommends that it Do Pass.

Mr. Speaker: Your Committee on Elections, to which was referred HB 625, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Federal-State Relations and Veterans Affairs, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred HB 930, begs leave to report it has examined the same and recommends that it Do Pass By Consent.

Committee on Governmental Organization and Review, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred HB 789, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred HB 846, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Judiciary, Chairman May (108) reporting:



Mr. Speaker: Your Committee on Judiciary, to which was referred HB 441, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Municipal Corporations, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred HB 856, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred SCS SB 225, begs leave to report it has examined the same and recommends that it Do Pass.

Committee on Public Safety and Law Enforcement, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred HB 460, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred HB 573, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment Nos. 1 and 2.

*House Committee Amendment No. 1*

AMEND House Bill No. 573, Section 1, Page 1, Line 5, by deleting the "fifty thousand dollars" and inserting in lieu thereof the following: "one-hundred thousand dollars, not to be taxed,".

*House Committee Amendment No. 2*

AMEND House Bill No. 573, Section 1, Page 1, Line 24, by deleting the "." and inserting in lieu thereof the following: "; or";

and by further amending said bill, Section 1, Page 2, Line 24, by inserting after said line "(3) If there is no surviving spouse or eligible child of a public safety officer or employee killed in the line of duty, the executor of the public safety officer's estate."

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred HB 792, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred HB 895, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Retirement, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred HB 911, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HB 252, begs leave to report it has examined the same and recommends that it be returned to the committee of origin.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HB 459, begs leave to report it has examined the same and recommends that it be returned to the committee of origin.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred HB 500, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Mr. Speaker: Your Committee on Transportation, to which was referred HB 723, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.

Committee on Utilities Regulation, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred HB 915, begs leave to report it has examined the same and recommends that it Do Pass by Consent.

Committee on Ways and Means, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred HB 115, begs leave to report it has examined the same and recommends that it Do Pass.

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were read the first time and copies ordered printed:

HCR 25, introduced by Representative Bennett, relating to labor negotiations for emergency personnel.

HCR 26, introduced by Representative Bennett, relating to teacher, administrator and school board negotiations.

#### INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

HJR 35, introduced by Representatives Williams (121), Gunn, Scheve, Davis (63), Riback Wilson, Thompson (72), Fraser, Carter, Days, Hollingsworth, Boykins, Williams (159), Mays (50), Campbell, Ladd Stokan, Kelly (27), Murray, McLuckie, Lakin, Ford, Bray, Hagan-Harrell, Backer, Relford, Dougherty, Fitzwater, Gaw, Shelton, Smith, Van Zandt, Harlan, Graham (24), Schilling, Skaggs, Daniel (42), Franklin, Seigfreid, Davis (122), Selby and Barry, to ratify a proposed amendment to the Constitution of the United States.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 1017, introduced by Representatives Kelley (47) and Bartle, relating to assessed valuation for school purposes.

HB 1018, introduced by Representatives Cierpiot, Daniels (41), Thompson (37) and Ridgeway, relating to teacher discipline.

HB 1019, introduced by Representative Gunn, relating to the viatical settlements act.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 76, entitled:

An act to repeal sections 92.715, 140.100 and 141.830, RSMo 1994, relating to the collection of delinquent taxes, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS SB 170, entitled:

An act to repeal section 448.3-106, RSMo 1994, relating to condominium property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 299, entitled:

An act to repeal section 448.3-116, RSMo Supp. 1998, relating to condominiums, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SB 410, entitled:

An act to repeal section 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### ADJOURNMENT

On motion of Representative Foley, the House adjourned until 4:00 p.m., Monday, March 8, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-third Day, Wednesday, March 3, 1999, pages 604 and 605, roll call, by showing Representatives Hagan-Harrell, Hosmer, Parker and Reynolds voting "aye" rather than "absent with leave".

Pages 605 and 606, roll call, by showing Representatives Bartle, Hagan-Harrell, Hegeman, Hosmer, Kasten and Reinhart voting "aye" rather than "absent with leave".

Pages 606 and 607, roll call, by showing Representatives Hagan-Harrell and Hosmer voting "aye" rather than "absent with leave".

Pages 607 and 608, roll call, by showing Representatives Crump, Hagan-Harrell, Hosmer, Kennedy and Reynolds voting "aye" rather than "absent with leave".

Pages 607 and 608, roll call, by showing Representative Blunt voting "no" rather than "aye".

Pages 608 and 609, roll call, by showing Representatives Kelley (47) and Kennedy voting "aye" rather than "absent with leave".

Pages 610 and 611, roll call, by showing Representatives Chrismer and Robirds voting "aye" rather than "absent with leave".

Pages 611 and 612, roll call, by showing Representatives Abel, Berkstresser, Fitzwater, Kreider and Luetkemeyer voting "aye" rather than "absent with leave".

Page 615, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 616 and 617, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 617 and 618, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 619 and 620, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 622 and 623, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **BUDGET**

Monday, March 8, 1999, 1:30 pm. Hearing Room 6. Executive session on proposed FY 2000 budget. House Bills 2 through 12.

##### **BUDGET**

Tuesday, March 9, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget. House Bills 2 through 12.

##### **BUDGET**

Tuesday, March 9, 1999. Hearing Room 6 upon morning adjournment.  
Executive session on proposed FY 2000 budget. House Bills 2 through 12.

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, March 10, 1999. Hearing Rooms 1 and 2 upon morning adjournment.  
To be considered - HB 534, HB 539, HB 829, HB 857, HB 906, Executive Session - HB 199, Executive Session - HB 665, Executive Session - HB 763, Executive Session - HB 892

#### **CONSUMER PROTECTION AND HOUSING**

Tuesday, March 9, 1999, 8:00 pm. Hearing Room 7.  
To be considered - HB 883, HB 933, Executive Session - HB 192

#### **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, March 9, 1999, 9:30 am. Hearing Room 7. Executive session may follow.  
To be considered - HCR 17

#### **CRIMINAL LAW**

Wednesday, March 10, 1999, 8:00 pm. Hearing Room 9.  
To be considered - HB 279, HB 339, HB 455, HB 606, HB 927

#### **CRITICAL ISSUES**

Monday, March 8, 1999, 8:00 pm. Hearing Room 6. Executive session may follow.  
To be considered - HB 195, HB 626, HB 919, HB 922, HCR 13

#### **EDUCATION - ELEMENTARY AND SECONDARY**



**Tuesday, March 9, 1999. Hearing Room 8 upon noon adjournment.**

**To be considered - HB 461, HB 557, HB 742, HB 754, HB 803, HB 918,**

**Executive Session - HB 456, Executive Session - HB 564, Executive Session - HB 565**

#### **ELECTIONS**

**Tuesday, March 9, 1999, 8:00 pm. Hearing Room 8.**

**If the House is in night session, the meeting will be postponed.**

**To be considered - HEC 2**

#### **FISCAL REVIEW**

**Tuesday, March 9, 1999, 1:30 pm. Hearing Room 5. Executive session.**

**To be considered - HB 316, HB 490, HB 516, HB 621**

#### **INSURANCE**

**Tuesday, March 9, 1999, 8:00 am. Hearing Room 8. Executive session may follow.**

**To be considered - HB 630, HB 743, HB 903, HB 926**

#### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**Monday, March 8, 1999, 10:00 am. Senate Lounge. Dept. of Public Safety MO**

**Gamming Commission, Dept. of Health Office of the Director.**

#### **JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT**

**Tuesday, March 9, 1999, 1:00 pm. Senate Lounge. Executive session may or may not follow.**

#### **LOCAL GOVERNMENT AND RELATED MATTERS**

**Tuesday, March 9, 1999. Hearing Rooms 1 and 2. Executive session may follow.**

**To be considered - HB 775, HB 847, HB 869, HB 880**

#### **MUNICIPAL CORPORATIONS**

**Wednesday, March 10, 1999. Hearing Room 7 upon morning adjournment.**

**To be considered - HB 971, Executive Session - HB 748**

#### **PROFESSIONAL REGISTRATION & LICENSING**

**Monday, March 8, 1999, 3:30 pm. Hearing Room 8. Executive session.**

#### **SUBCOMMITTEE ON INMATE CALLING**

**Monday, March 8, 1999, 1:00 pm. Hearing Room 5.**

**To be considered - HB 601**

#### **UTILITIES REGULATION**

**Monday, March 8, 1999, 3:45 pm. Side gallery. Executive session.**

**To be considered - HB 671**

#### **WAYS AND MEANS**

**Tuesday, March 9, 1999. Hearing Room 9 upon morning adjournment.**

Executive session may follow.

To be considered - HB 233, HB 235, HB 236, HB 241, HB 322, HB 525, HB 656,  
HB 732, HB 887, HB 890, HB 996

#### HOUSE CALENDAR

THIRTY-FIFTH DAY, MONDAY, MARCH 8, 1999

#### HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 25

HCR 26

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 35

#### HOUSE BILLS FOR SECOND READING

HB 1017 through HB 1019

#### HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HB 1 - Franklin

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 889 - Fitzwater

2 HCS HB 676 - Days

3 HCS HB 389 - Hoppe

4 HCS HB 818 - Days

5 HB 753 - Rizzo

6 HCS HB 852 - Hosmer

7 HCS HB 850 & 851 - Hosmer

8 HCS HB 826 - Harlan

9 HB 401 - Barry

10 HCS HB 793 - Treadway

11 HCS HB 701 - Rizzo

#### HOUSE BILLS FOR PERFECTION - INFORMAL

1 HCS HB 26 & 117, as amended - Kreider

2 HCS HB 351 & 295, HS, as amended, pending - Scheve

3 HCS HB 166, HS, as amended, pending - McLuckie

4 HB 492 - Hosmer

5 HB 261 - Auer

6 HCS HB 686 - Murray

#### HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

**HB 454 - Carter**

**HOUSE BILLS FOR PERFECTION - CONSENT**

**(March 2, 1999)**

**1 HB 607 - Riback Wilson**

**2 HB 893 - Murray**

**3 HB 866 - Treadway**

**4 HB 867 - McKenna**

**5 HB 861 - Griesheimer**

**6 HB 528 - Chrismer**

**(March 4, 1999)**

**7 HB 741 - Monaco**

**8 HB 920 - Farnen**

**9 HB 834 - Crump**

**10 HB 352 - Foley**

**11 HB 791 - Wagner**

**12 HB 402 - Relford**

**13 HB 721 - Barry**

**14 HB 779 - Skaggs**

**15 HB 795 - Kennedy**

**16 HB 853 - Seigfreid**

**17 HB 796 - Smith**

**18 HB 778 - Luetkenhaus**

**19 HB 776 - McBride**

**20 HB 476 - Hegeman**

**21 HB 800 - Linton**

**(March 8, 1999)**

**22 HB 895 - Crump**

**23 HB 792 - Kissell**

**24 HB 500 - Koller**

**25 HB 930 - Ward**

**26 HB 328 - Parker**

**27 HB 915 - Mays (50)**

**28 HB 327 - Parker**

**29 HB 268 - Crawford**

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

**HCR 20, (3-24-99, pgs. 511 & 512) - Thompson (37)**

**HOUSE BILLS FOR THIRD READING**

- 1 HS HB 516, (Fiscal Review 3-1-99) - Bray
- 2 HCS HB 490, (Fiscal Review 3-3-99) - Hollingsworth
- 3 HCS HB 621, (Fiscal Review 3-3-99) - Relford
- 4 HCS HB 316, 660 & 203, (Fiscal Review 3-3-99) - Ladd-Stokan
- 5 HCS HB 788, 428 & 106 - Smith
- 6 HS HCS HB 427, 40, 196 & 404 - Luetkenhaus

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 570 - Rizzo
- 2 HB 453 - Gross
- 3 HB 473 - Legan
- 4 HB 257 - Seigfreid
- 5 HB 326 - Parker
- 6 HB 290 - Champion
- 7 HB 568 - May (108)
- 8 HB 487 - Hollingsworth
- 9 HB 145 - Wiggins
- 10 HB 589 - Graham (106)
- 11 HB 708 - Merideth
- 12 HB 409 - McBride

**SENATE BILLS FOR SECOND READING**

- 1 SB 76
- 2 SCS SB 170
- 3 SB 299
- 4 SB 410

**SENATE BILL FOR THIRD READING**

SCS SB 225, E.C. - Treadway

**BILL IN CONFERENCE**

SCS HCS HB 14 - Franklin

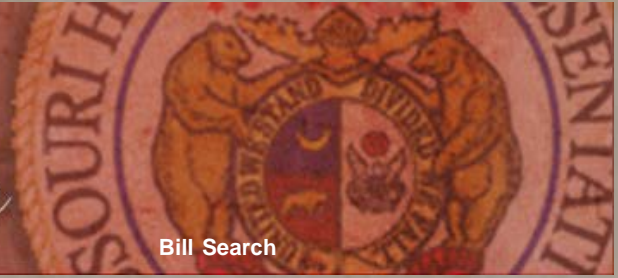


Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

THIRTY-FIFTH DAY, Monday, March 8, 1999

Speaker Gaw in the Chair.

Prayer by Representative Gracia Backer.

Our most Gracious Heavenly Father, my prayer today can't begin by thanking You for the beautiful Spring day, for the wind is blowing, the sky is gray and the precious, tender beginnings of daffodils and crocus are shivering beneath the ice.

Rather, this afternoon, I thank You for giving us change in our lives, even sunny, warm days can be boring and dull. And we know by living in Missouri we can easily experience all four seasons within a two day span.

Change sometimes brings confusion and controversy. Change sometimes brings fresh ideas and new techniques. Change is sometimes messy and disorganized. Change is sometimes orderly and neat. But whatever occurs, Your hand is in our hand to help us through the things we cannot change or will not change.

We thank You for continually being in front of us, beside us and behind us to clean up the messes we daily make through harshly spoken words, unkind deeds or mean thoughts. We know one thing is certain - You do not change. The day may be cold and rainy, but Your love is as warm as a tropical day in Hawaii. We may use Your name in vain, but Your love does not turn away from us. We may submit to vanity and pride, but Your love for us remains humble and pure. First Corinthians 13, tell us that love never fails. We thank You today, Gracious Lord, that Your love for us never changes like the seasons we have seen this week. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-fourth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 368 - Representatives Gaw, Murray and Foley

House Resolution No. 369 - Representative Summers

House Resolution No. 370 and House Resolution No. 371 - Representatives Tudor and Hoppe

House Resolution No. 372 - Representative Rizzo

House Resolution No. 373 - Representative Hickey

House Resolution No. 374 - Representative Linton

House Resolution No. 375 - Representative Gross

House Resolution No. 376 and House Resolution No. 377 - Representative Klindt

House Resolution No. 378 - Representative Kelley (47)

House Resolution No. 379 - Representative Auer

House Resolution No. 380 - Representative Williams (159)

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 25** and **HCR 26** were read the second time.

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 35** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 1017** and **HB 1019** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 76**, **SCS SB 170**, **SB 299** and **SB 410** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HBs 427, 40, 196 & 404** and **HCS HBs 788, 428 & 106**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HBs 246 & 405**, **HCS HB 343** and **HB 201**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HCS HBs 246 & 405** - Fiscal Review (Fiscal Note)

#### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 453**, relating to social security numbers, was taken up by Representative Gross.

On motion of Representative Gross, **HB 453** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 003

Kreider Murphy Selby

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper Gunn Hosmer Ridgeway Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Abel, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

**HB 570**, relating to physician-patient privilege, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HB 570** was read the third time and passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan



Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper Gunn Hosmer Ridgeway Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**HB 473**, relating to public meetings, was taken up by Representative Legan.

On motion of Representative Legan, **HB 473** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Overschmidt Parker  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 005

Hohulin Kreider Ostmann Patek Pryor

PRESENT: 000

ABSENT WITH LEAVE: 006

Berkstresser Cooper Gunn Hosmer Ridgeway  
Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Kelly (27) moved that motion lay on the table.

The latter motion prevailed.

**HB 257**, relating to court appearances by defendants, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, **HB 257** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Champion Chrismer  
Cierpiot Clayton Crawford Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Griesheimer Gross  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Ward Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Carter Cooper Crump Green Gunn  
Hosmer Levin Ridgeway Wagner Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**HB 326**, relating to National Guard Armory, was taken up by Representative Parker.

On motion of Representative Parker, **HB 326** was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boucher Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Griesheimer Gross Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Howerton Kasten Kelley 47 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Lograsso Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Rizzo Robirds

Ross Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface



Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 007

Berkstresser Green Hohulin Kelly 27 Legan

Long Sallee

PRESENT: 002

Backer Froelker

ABSENT WITH LEAVE: 008

Boykins Cooper Gunn Hosmer Luetkemeyer

Murray Ridgeway Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Ward moved that motion lay on the table.

The latter motion prevailed.

**HB 290**, relating to combat infantryman license plate, was taken up by Representative Champion.

On motion of Representative Champion, **HB 290** was read the third time and passed by the following vote:

AYES: 130

Akin Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Britt Burton Campbell

Champion Chrismer Cierpiot Crawford Crump

Daniel 42 Daniels 41 Davis 122 Days Dolan

Elliott Enz Evans Farnen Ford

Foster Franklin Fraser Froelker Gaskill

Gibbons Graham 106 Gratz Griesheimer Gross

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hoppe Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Leake Legan Levin  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Richardson Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Shelton Shields Skaggs  
Smith Summers Surface Thompson 37 Thompson 72  
Townley Troupe Tudor Van Zandt Vogel  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 026

Abel Bray 84 Carter Clayton Davis 63  
Dougherty Fitzwater Foley Gambaro George  
Graham 24 Green Hagan-Harrell Hohulin Hollingsworth  
Lawson Liese Lograsso McLuckie O'Connor  
Reynolds Selby Stokan Treadway Wagner  
Ward

PRESENT: 000

ABSENT WITH LEAVE: 006

Boykins Cooper Gunn Hosmer Ridgeway  
Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

## RECONSIDERATION

Representative Backer, having voted on the prevailing side, moved that the vote by which **HB 724** was third read and defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 100

Abel Alter Auer Backer Barnett  
Barry 100 Bennett Berkowitz Black Blunt  
Bonner Boucher Bray 84 Britt Burton  
Campbell Champion Clayton Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro Gaskill George Graham 106  
Graham 24 Gratz Green Hagan-Harrell Hampton  
Harlan Hartzler 123 Hickey Hilgemann Holand  
Hollingsworth Hoppe Kasten Kennedy Kissell  
Klindt Koller Lakin Leake Legan  
Levin Liese Long Luetkenhaus May 108  
Mays 50 McBride McKenna McLuckie Merideth  
Miller Monaco Murray O'Connor O'Toole  
Overschmidt Parker Purgason Ransdall Relford  
Reynolds Richardson Rizzo Robirds Ross  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Wagner Ward Williams 121 Williams 159 Mr. Speaker

NOES: 054

Akin Ballard Bartelsmeyer Bartle Berkstresser  
Boatright Carter Chrismer Cierpiot Dolan  
Elliott Enz Evans Foster Froelker  
Gibbons Griesheimer Gross Hanaway Hartzler 124  
Hegeman Hendrickson Hohulin Howerton Kelley 47  
Kelly 27 King Lawson Linton Lograsso  
Loudon Luetkemeyer Marble McClelland Murphy  
Myers Naeger Nordwald Ostmann Patek  
Pouche Pryor Reid Reinhart Sallee  
Schwab Scott Secrest Shields Stokan  
Summers Vogel Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Boykins Cooper Dougherty Gunn Hosmer

Kreider Ridgeway Wiggins

VACANCIES: 001

**HB 724**, relating to MULES registration, was taken up by Representative Crump.

On motion of Representative Crump, **HB 724** was read the third time and passed by the following vote:

AYES: 109

Abel Akin Alter Auer Backer

Barnett Barry 100 Bennett Berkowitz Berkstresser

Black Blunt Bonner Boucher Bray 84

Britt Burton Champion Clayton Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Farnen Fitzwater Foley

Ford Franklin Fraser Gambaro Gaskill

George Graham 106 Graham 24 Gratz Green

Griesheimer Hampton Harlan Hartzler 123 Hegeman

Hilgemann Holand Hollingsworth Hoppe Kasten

Kennedy Kissell Klindt Koller Kreider

Lakin Leake Legan Levin Liese

Linton Long Luetkenhaus May 108 Mays 50

McBride McKenna McLuckie Merideth Miller

Monaco Murray Myers Nordwald O'Connor

O'Toole Overschmidt Parker Patek Purgason

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Skaggs Smith Thompson 72 Townley

Treadway Troupe Tudor Vogel Wagner

Ward Williams 159 Wright Mr. Speaker

NOES: 041



Ballard Bartelsmeyer Bartle Boatright Campbell  
Carter Chrismer Cierpiot Elliott Enz  
Evans Foster Froelker Gibbons Gross  
Hanaway Hartzler 124 Hendrickson Hohulin Howerton  
Kelley 47 Kelly 27 King Lawson Loudon  
Luetkemeyer Marble McClelland Murphy Naeger  
Ostmann Pouche Pryor Reid Secrest  
Shields Summers Surface Van Zandt Williams 121  
Wilson

PRESENT: 001

Boykins

ABSENT WITH LEAVE: 011

Cooper Dougherty Gunn Hagan-Harrell Hickey  
Hosmer Lograsso Ridgeway Stokan Thompson 37  
Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 889**, relating to read to be ready program, was taken up by Representative Fitzwater.

Representative Fitzwater offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 889, Page 2, Section 3, Line 6, by deleting "**this section**" and inserting in lieu thereof "**section 2**".

On motion of Representative Fitzwater, **House Amendment No. 1** was adopted.

Representative Auer offered **House Amendment No. 2**.

Representative Fitzwater raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative McClelland offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 889, Page 3, Section 3, Line 18, by inserting after all of said line the following:

"Section 4. 1. During school years 1999-2000 through 2001-02 any employee of the state of Missouri who works in a metropolitan school district or an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants and who is a volunteer tutor in a formal tutoring or mentoring pilot program in language arts at a public or private elementary school in such district may be granted leave from the employee's duties, without loss of time, pay, regular leave, impairment of efficiency rating or any other rights or benefits to which such person would otherwise be entitled for periods during which such person is engaged in such volunteer tutoring activities at a public or private elementary school. Leave for such volunteer tutoring activities shall not be allowed for more than forty hours in any one calendar year or more than two hours in any one day. The principal of the school shall give such an employee a signed statement by such principal verifying the time such employee was engaged in such tutoring activities.

2. To be eligible to participate in a volunteer tutoring program as provided in subsection 1 of this section, the employee shall:

- (1) Be a full-time state employee with a performance appraisal of highly successful or outstanding;
- (2) Have the approval of the employee's supervisor or supervisors;
- (3) Not be absent during heavy workload periods or create scheduling conflicts with other state employees or result in any overtime hours for the employee or other state employees;
- (4) Establish a set schedule, including traveling time to the school, which shall not be for more than two hours per day or more than one day per week; and
- (5) Submit the statement issued by the principal verifying the time the employee was engaged in volunteer tutoring activities.

3. Every state agency that has state employees participating in a formal tutoring or mentoring program as provided in subsection 1 of this section shall submit a summary of the statements received pursuant to subdivision (5) of subsection 2 of this section to the Missouri community service commission, created in section 26.605, RSMo. Such summary shall include the number of employees participating, the number of hours that all participants engaged in volunteer tutoring and a list of the schools where the employees volunteered.

4. The Missouri community service commission shall submit an annual report to the general assembly with the names of the state agencies submitting the summaries required by subsection 3 of this section and a compilation of all the information contained on such summaries.

5. The school board of a participating district shall evaluate the programs and make recommendations to the general assembly by December 15, 2001, on the continuance, expansion or termination of the programs and any recommended changes to the programs.

6. The provisions of this section shall expire on June 30, 2002."

On motion of Representative McClelland, **House Amendment No. 2** was adopted.

**HCS HB 889, as amended**, was laid over.

#### COMMITTEE REPORTS

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr Speaker: Your Committee on Criminal Law, to which was referred **HB 266**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 827**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 32** - Local Government and Related Matters

**HJR 33** - Governmental Organization and Review

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 939** - Education - Higher

**HB 940** - Children, Youth and Families

**HB 941** - Ways and Means

**HB 942** - Social Services, Medicaid and the Elderly

**HB 943** - Agriculture

**HB 944** - Commerce

**HB 946** - Public Safety and Law Enforcement

**HB 947** - Ways and Means

**HB 948** - Motor Vehicle and Traffic Regulations

**HB 949** - Education - Elementary and Secondary

**HB 950** - Education - Elementary and Secondary

**HB 952** - Agri-Business

**HB 953** - Public Safety and Law Enforcement

**HB 955** - Public Safety and Law Enforcement

**HB 956** - Ways and Means

**HB 957** - Motor Vehicle and Traffic Regulations

**HB 958** - Elections

**HB 959** - Ways and Means

**HB 960** - Motor Vehicle and Traffic Regulations

**HB 961** - Judiciary

**HB 962** - Ways and Means

**HB 963** - Local Government and Related Matters

**HB 964** - Education - Elementary and Secondary

**HB 965** - Tourism, Recreation and Cultural Affairs

**HB 967** - Criminal Law

**HB 968** - Transportation

**HB 970** - Professional Registration and Licensing

**HB 972** - Judiciary

**HB 973** - Criminal Law

**HB 974** - Municipal Corporations

**HB 975** - Education - Higher

**HB 976** - Education - Elementary and Secondary

**HB 977** - Motor Vehicle and Traffic Regulations

**HB 978** - Judiciary

**HB 979** - Retirement

**HB 980** - Education - Elementary and Secondary

**HB 981** - Agriculture

**HB 982** - Correctional and State Institutions

**HB 983** - Elections

**HB 984** - Ways and Means

**HB 985** - Local Government and Related Matters

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 4** - Urban Affairs

**SB 7** - Social Services, Medicaid and the Elderly

**SB 10** - Transportation

**SB 12** - Local Government and Related Matters

**SB 15** - Governmental Organization and Review

**SB 17** - Transportation

**SB 25** - Public Health

**SB 28** - Insurance

**SCS SBs 31 & 285** - Elections

**SCS SB 51** - Motor Vehicle and Traffic Regulations

**SCS SB 61** - Local Government and Related Matters

**SB 81** - Local Government and Related Matters

**SB 83** - Social Services, Medicaid and the Elderly

**SCS SB 90** - Local Government and Related Matters

**SB 105** - Ways and Means

**SB 112** - Civil and Administrative Law

**SB 115** - Motor Vehicle and Traffic Regulations

**SB 124** - Civil and Administrative Law

**SB 139** - Local Government and Related Matters

**SS SB 141** - Judiciary

**SB 149** - Motor Vehicle and Traffic Regulations



**SB 153** - Local Government and Related Matters  
**SCS SB 159** - Ways and Means  
**SB 169** - Federal-State Relations and Veterans Affairs  
**SCS SB 175** - Banks and Financial Institutions  
**SB 184** - Tourism, Recreation and Cultural Affairs  
**SB 187** - Education - Elementary and Secondary  
**SB 188** - Federal-State Relations and Veterans Affairs  
**SCS SB 211** - Social Services, Medicaid and the Elderly  
**SB 213** - Retirement  
**SB 214** - Local Government and Related Matters  
**SB 216** - Public Health  
**SCS SB 218** - Education - Higher  
**SB 219** - Ways and Means  
**SB 220** - Local Government and Related Matters  
**SB 224** - Labor  
**SCS SB 234** - Labor  
**SB 237** - Criminal Law  
**SCS SBs 240, 226 & 229** - Tourism, Recreation and Cultural Affairs  
**SCS SB 244** - Professional Registration and Licensing  
**SB 264** - Civil and Administrative Law  
**SB 271** - Civil and Administrative Law  
**SCS SB 275** - Criminal Law  
**SB 277** - State Parks, Natural Resources and Mining  
**SB 278** - Judiciary  
**SB 312** - Local Government and Related Matters  
**SB 315** - Correctional and State Institutions  
**SB 321** - Civil and Administrative Law  
**SB 329** - Civil and Administrative Law  
**SB 357** - State Parks, Natural Resources and Mining  
**SB 360** - Civil and Administrative Law

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 27**, introduced by Representative Ladd Stokan, relating to demonstration projects for Medicaid and Medicare eligible persons.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1020**, introduced by Representative Crump, relating to discounts on automobile insurance for drivers who pass a driver's education course.

**HB 1021**, introduced by Representative Boucher, relating to a bonus for certain persons who served in the armed forces of the United States.

**HB 1022**, introduced by Representatives Cierpiot, Reinhart, Enz and Loudon, relating to state housing.

**HB 1023**, introduced by Representative Hollingsworth, relating to the twenty-third judicial circuit.

#### COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representative Lograsso is no longer a member of the Ways and Means Committee.

Representative Secrest has been appointed a member of the Ways and Means Committee.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 152**, entitled:

An act to repeal section 226.955, RSMo Supp. 1998, relating to the preservation of corridors for future state highway construction, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 268**, entitled:

An act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 349**, entitled:

An act to amend chapter 104, RSMo, by adding thereto one new section relating to retirement.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 414**, entitled:

An act to repeal sections 142.815, 142.824, 142.875, 142.905 and 142.908, RSMo Supp. 1998, relating to motor fuel tax, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

## WITHDRAWAL OF HOUSE BILL

March 8, 1999

The Honorable Steve Gaw  
Speaker, Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that **HB 869** be withdrawn.

Thank you for considering this request.

Sincerely,

/s/ Kate Hollingsworth  
State Representative

## ADJOURNMENT

On motion of Representative Foley, the House adjourned until 10:00 a.m., Tuesday, March 9, 1999.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-fourth Day, Thursday, March 4, 1999, page 638, roll call, by showing Representative Ransdall voting "aye" rather than "absent with leave".

Pages 640 and 641, roll call, by showing Representative Ransdall voting "no" rather than "absent with leave".

Pages 640 and 641, roll call, by showing Representatives Kennedy, Murphy and Surface voting "aye" rather than "absent with leave".

## COMMITTEE MEETINGS

### AGRICULTURE

Wednesday, March 10, 1999, 1:30 pm. Hearing Room 9. Executive session may or may not follow.

To be considered - HB 981

### BUDGET

Tuesday, March 9, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget. House Bills 2 through 12.

### BUDGET

Tuesday, March 9, 1999. Hearing Room 6 upon morning adjournment.  
Executive session on proposed FY 2000 budget. House Bills 2 through 12.

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 10, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

To be considered - HB 534, HB 539, HB 829, HB 857, HB 906, Executive Session - HB 199, Executive Session - HB 665, Executive Session - HB 763, Executive Session - HB 892

#### CONSUMER PROTECTION AND HOUSING

Tuesday, March 9, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 883, HB 933, Executive Session - HB 192

#### CORRECTIONAL & STATE INSTITUTIONS

Tuesday, March 9, 1999, 9:30 am. Hearing Room 7. Executive session may follow.

To be considered - HCR 17

#### CRIMINAL LAW

Wednesday, March 10, 1999, 8:00 pm. Hearing Room 9.

To be considered - HB 279, HB 339, HB 455, HB 606, HB 927

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 9, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 461, HB 557, HB 742, HB 754, HB 803, HB 918, Executive Session - HB 456, Executive Session - HB 564, Executive Session - HB 565

#### ELECTIONS

Tuesday, March 9, 1999, 8:00 pm. Hearing Room 8. If the House is in night session, the meeting will be postponed.

To be considered - HEC 2

#### ETHICS

Tuesday, March 9, 1999. Northeast side gallery upon morning adjournment.

Caucus approval, Bootheel, Greater KC, Greater KC Demo Caucus.

#### FISCAL REVIEW

Tuesday, March 9, 1999, 1:30 pm. Hearing Room 5. Executive session.

To be considered - HB 316, HB 490, HB 516, HB 621

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 10, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 868

#### INSURANCE

Tuesday, March 9, 1999, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 630, HB 743, HB 903, HB 926



#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 11, 1999, 8:00 am. Hearing Rooms 1 and 2. Contested fiscal notes.

To be considered - HB 199, HB 251, HB 846, SB 339

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Tuesday, March 9, 1999, 1:00 pm. Senate Lounge. Executive session may or may not follow.

#### LABOR

Tuesday, March 9, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 969

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 9, 1999. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 775, HB 847, HB 869, HB 880

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 10, 1999, 8:45 am. Hearing Room 9.

To be considered - HB 415, HB 879, HCR 21, HJR 16

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 9, 1999, 2:00 pm. Hearing Room 7.

To be considered - HB 727, Executive Session - HB 48, Executive Session - HB 452

#### MUNICIPAL CORPORATIONS

Wednesday, March 10, 1999. Hearing Room 7 upon morning adjournment.

To be considered - HB 971, Executive Session - HB 748

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, March 9, 1999, 9:00 am. Hearing Room 5. Possible executive session may follow.

To be considered - HB 675, HB 873, HB 878

#### WAYS AND MEANS

Tuesday, March 9, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow.

To be considered - HB 233, HB 235, HB 236, HB 241, HB 322, HB 525, HB 656,  
HB 732, HB 887, HB 890, HB 996

#### HOUSE CALENDAR

THIRTY-SIXTH DAY, TUESDAY, MARCH 9, 1999

#### HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 27

## **HOUSE BILLS FOR SECOND READING**

HB 1020 through HB 1023

## **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 1 - Franklin

## **HOUSE BILLS FOR PERFECTION**

1 HCS HB 889, as amended, - Fitzwater

2 HCS HB 676 - Days

3 HCS HB 389 - Hoppe

4 HCS HB 818 - Days

5 HB 753 - Rizzo

6 HCS HB 852 - Hosmer

7 HCS HB 850 & 851 - Hosmer

8 HCS HB 826 - Harlan

9 HB 401 - Barry

10 HCS HB 793 - Treadway

11 HCS HB 701 - Rizzo

12 HCS HB 603, 722 & 783 - Wiggins

13 HCS HB 822 - Liese

14 HCS HB 718, 225, 876 & 838 - Harlan

15 HB 115 - Kreider

16 HCS HB 441 - Riback Wilson

17 HCS HB 256 - George

18 HB 700 - Mays (50)

19 HCS HB 736, 515 & 508 - Hagan-Harrell

20 HCS HB 460 - O'Toole

21 HCS HB 911 - Clayton

## **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 26 & 117, as amended - Kreider

2 HCS HB 351 & 295, HS, as amended, pending - Scheve

3 HCS HB 166, HS, as amended, pending - McLuckie

4 HB 492 - Hosmer

5 HB 261 - Auer

6 HCS HB 686 - Murray

## **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

## **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 2, 1999)

1 HB 607 - Riback Wilson

2 HB 893 - Murray

3 HB 866 - Treadway

4 HB 867 - McKenna

5 HB 861 - Griesheimer

6 HB 528 - Chrismer

(March 4, 1999)

7 HB 741 - Monaco

8 HB 920 - Farnen

9 HB 834 - Crump

10 HB 352 - Foley

11 HB 791 - Wagner

12 HB 402 - Relford

13 HB 721 - Barry

14 HB 779 - Skaggs

15 HB 795 - Kennedy

16 HB 853 - Seigfreid

17 HB 796 - Smith

18 HB 778 - Luetkenhaus

19 HB 776 - McBride

20 HB 476 - Hegeman

21 HB 800 - Linton

(March 8, 1999)

22 HB 895 - Crump

23 HB 792 - Kissell

24 HB 500 - Koller

25 HB 930 - Ward

26 HB 328 - Parker

27 HB 915 - Mays (50)

28 HB 327 - Parker

29 HB 268 - Crawford

(March 9, 1999)

30 HB 499 - Hartzler (123)

31 HB 789 - Berkstresser

32 HB 426 - Ridgeway

33 HB 550 - Howerton

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (3-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 516, (Fiscal Review 3-1-99) - Bray

2 HCS HB 490, (Fiscal Review 3-3-99) - Hollingsworth

3 HCS HB 621, (Fiscal Review 3-3-99) - Relford

4 HCS HB 316, 660 & 203, (Fiscal Review 3-3-99) - Ladd-Stokan

5 HCS HB 788, 428 & 106 - Smith

6 HS HCS HB 427, 40, 196 & 404 - Luetkenhaus

7 HS HCS HB 246 & 405, (Fiscal Review 3-8-99) - Bray

8 HB 201 - Boucher

9 HCS HB 343 - Treadway

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 568 - May (108)

2 HB 487 - Hollingsworth

3 HB 145 - Wiggins

4 HB 589 - Graham (106)

5 HB 708 - Merideth

6 HB 409 - McBride

#### **SENATE BILLS FOR SECOND READING**

1 SB 152

2 SB 268

3 SB 349

4 SB 414

#### **SENATE BILL FOR THIRD READING**

SCS SB 225, E.C. - Treadway

#### **BILL IN CONFERENCE**

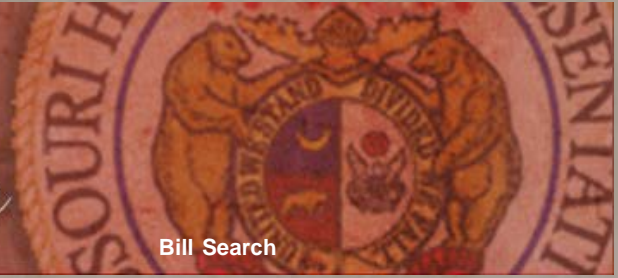
SCS HCS HB 14 - Franklin





# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-SIXTH DAY, Tuesday, March 9, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Ronnie Miller.

Heavenly Father,

We pause to honor You for being in total control of Your world. Thank You for controlling the seconds as well as the centuries. Thank You for controlling the nights and the days, also the births and the deaths.

Help us to be mindful that we are only a heartbeat away from eternity. When the stress of our job becomes great, thank You for the promise to grant us the peace that passes all human understanding.

Lord, we lift our elder Statesman Fletcher Daniels up to You as he fights health problems.

Heavenly Father, be with our families for the weeks and months ahead while we're apart.

Forgive us when we fail You, in Jesus' name I pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Shawn Laughlin, Roselee Forbes, Luke Baum, Marie Holloway, Ashley Dobrcenski, Darren Stolz, Rachael Crain, Jennifer Knapp and Ben Virtue.

The Journal of the thirty-fifth day was approved as corrected by the following vote:

AYES: 131

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Boatright Bonner Boucher

Boykins Britt Burton Campbell Carter

Chrismer Cierpiot Clayton Crawford Crump

Daniels 41 Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gunn  
Hampton Hanaway Harlan Hartzler 124 Hegeman  
Hendrickson Hilgemann Hollingsworth Hoppe Kasten  
Kennedy King Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkenhaus Marble May 108 McBride McClelland  
McKenna McLuckie Merideth Miller Murphy  
Murray Myers O'Connor O'Toole Ostmann  
Pouche Pryor Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 004

Blunt Gross Patek Wright

PRESENT: 000

ABSENT WITH LEAVE: 027

Ballard Berkstresser Bray 84 Champion Cooper  
Daniel 42 Dougherty Franklin Hagan-Harrell Hartzler 123  
Hickey Hohulin Holand Hosmer Howerton  
Kelley 47 Kelly 27 Kissell Luetkemeyer Mays 50  
Monaco Naeger Nordwald Overschmidt Parker  
Purgason Sallee

VACANCIES: 001

Speaker Gaw assumed the Chair.

**RESOLUTION**

**HR 367**, honoring Walter Cronkite, was taken up by Representative Gaw and read.

House Resolution No. 367

WHEREAS, on March 8, 1999, Walter Cronkite, CBS News Special Correspondent and lifelong journalist, will be inducted into the Hall of Famous Missourians, a series of bronze busts of famous Missourians housed in the third floor rotunda of the Missouri State Capitol; and

WHEREAS, born in St. Joseph, Missouri, on November 4, 1916, Walter Cronkite began his journalism career as a campus correspondent at the Houston Post before graduating from the University of Texas, accepting his first full-time job as a sports announcer for a local radio station in Oklahoma City, and serving as a World War II correspondent for United Press; and

WHEREAS, Walter Cronkite's career in journalism spans more than sixty years, forty-eight of which he has devoted to CBS News as a news correspondent and anchorman who conducted exclusive interviews with political figures and covered countless historic events that include the coronation of Queen Elizabeth II, Premier Nikita Khrushchev's first visit to the United States, the Vietnam War, this nation's Bicentennial, and the American hostage crisis in Iran; and

WHEREAS, known affectionately as "Old Iron Pants" for his unflappability under pressure, Walter Cronkite came to be regarded as an authority on America's space program, reporting on the first two decades of this country's manned space mission, for which he was honored with the Boston Museum of Science's Bradford Washburn Award in 1970 and an award from the Skyline Foundation for distinguished contributions to the understanding of aerospace progress in 1978; and

WHEREAS, Walter Cronkite established a remarkable trust and admiration in his audience, and anchored and reported on many editions of CBS REPORTS and other special broadcasts that include The Rockefellers, Solzhenitsyn, Watergate, and his coverage of several Apollo flights, all of which earned Emmy Awards; and

WHEREAS, inducted into the Academy of Television Arts and Sciences Hall of Fame in 1985, Walter Cronkite has been honored with two Peabody Awards, the Freedom of Press Award, the Alfred I. duPont-Columbia University Award, the Presidential Medal of Freedom, and the William Allen White Award for Journalistic Merit, the first broadcast journalist to be so lauded; and

WHEREAS, a devoted husband, loving father, avid sailor, and renowned author, Walter Cronkite continues his ongoing assignments for CBS while producing more than forty documentary hours for The Discovery Channel, PBS, and other networks with The Cronkite Ward Company, which he established in 1993 with former CBS colleague, Jonathan Ward:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations and best wishes to Walter Cronkite upon his well-deserved induction into the Hall of Famous Missourians; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for internationally acclaimed journalist, Walter Cronkite.

On motion of Representative Gaw, Rule 63 was suspended and **HR 367** was adopted by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper Daniel 42 Elliott Hohulin Overschmidt  
Scheve

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 381 - Representative Backer  
House Resolution No. 382 - Representative Blunt  
House Resolution No. 383 - Representative Kelley (47)



## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 27 was read the second time.

## SECOND READING OF HOUSE BILLS

HB 1020 through HB 1023 were read the second time.

## SECOND READING OF SENATE BILLS

SB 152, SB 268, SB 349 and SB 414 were read the second time.

## PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 166, with HS, as amended, pending, relating to good faith employee negotiation, was taken up by Representative McLuckie.

Representative Crump offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 3, Page 24, Line 7, by inserting immediately after all of said line the following:

**"2. Except as provided in section 105.510, subsection 2, and section 2, subsection 8 of this act, nothing in this act shall be construed to require that any particular provisions be included in any collective bargaining agreement between a public body and an exclusive representative, except that no collective bargaining agreement between a school district and the exclusive representative of its teachers shall provide for a teacher's salary that is less than twenty thousand dollars."**

And further amend said bill, section 3, page 24, line 8, by deleting at the beginning of said line the number "2" and inserting in lieu thereof the number "3";

And further amend said bill, section 3, by renumbering the remaining subsections of said section accordingly.

Representative Schilling offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Section 3, Page 24, Line 7, by inserting immediately after all of said line the following:

**"2. Except as provided in section 105.510, subsection 2, and section 2, subsection 8 of this act, nothing in this act shall be construed to require that any particular provisions be included in any collective bargaining agreement between a public body and an exclusive representative. In any school year that a collective bargaining agreement as defined in this act is in force between a school district and the exclusive representative of its teachers the provisions of section 163.172 shall not apply to such district.**

**3. Nothing in this act shall be construed to require any change in the salary structure of any political subdivision in which no exclusive representative is certified pursuant to this act, except that no school district shall adopt a teacher's salary as that term is defined in section 163.172 for any school year in which no collective bargaining agreement as defined in this act is in force between the school district and the exclusive representative of its teachers and that begins after January 1, 2000 that is less than twenty-two thousand dollars, nor less than twenty-eight thousand dollars for any teacher with at least a master's degree and at least ten years teaching experience in a**

**public school or combination of public schools."**

And further amend said bill, section 3, page 24, line 8, by deleting at the beginning of said line the number "2" and inserting in lieu thereof the number "4";

And further amend said bill, section 3, by renumbering the remaining subsections of section 3 accordingly.

On motion of Representative Schilling, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted.

Representative Seigfreid offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 7, Section 105.520, Line 20, by inserting after the following:

"105.520. 1." the following: **"(1) Except as provided in subdivision (2) of this subsection,"**; and

Further amend said bill, Page 8, Section 105.520, Line 10, by inserting after all of said line the following:

**"(2) Whenever such proposals are presented by the exclusive bargaining representative of teachers of Missouri elementary and secondary education schools located in counties of the third and fourth classification to a public body, the public body or its designated representative or representatives shall meet, confer and discuss such proposals relative to salaries and other conditions of employment of such teachers with the labor organization which is the exclusive bargaining representative of such teachers in a unit appropriate. Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection."**

Representative Wiggins offered **House Substitute Amendment No. 1 for House Amendment No. 11**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 7, Section 105.520, Line 20, by inserting after the following:

"105.520. 1." the following: **"(1) Except as provided in subdivision (2) of this subsection,"**; and

Further amend said bill, Page 7, Section 105.520, Line 21, by deleting the following: "body," and inserting in lieu thereof the following: **"body located wholly or in part within either a county of the first classification or a city not within a county,"**; and

Further amend said bill, Page 8, Section 105.520, Line 10, by inserting after all of said line the following:

**"(2) Whenever such proposals are presented by the exclusive bargaining representative to a public body located wholly within any county that is neither a county of the first classification nor a city not within a county, the public body or its designated representative or representatives shall meet, confer and discuss such proposals relative to salaries and other conditions of employment of the employees of the public body with the labor organization which is the exclusive bargaining representative of its employees in a unit appropriate. Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection."**

Representative Wiggins moved that **House Substitute Amendment No. 1 for House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 017

Backer Boucher Britt Dougherty Fitzwater

Harlan Hosmer Leake McLuckie Nordwald

Parker Relford Seigfreid Skaggs Smith

Wiggins Williams 121

NOES: 144

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel 42 Daniels 41 Davis 122

Davis 63 Days Dolan Elliott Enz

Evans Farnen Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Selby

Shelton Shields Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 001

Cooper

VACANCIES: 001

**House Amendment No. 11** was withdrawn.

Representative Backer offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Bill No. 166, Page 8, Section 105.520, Subsection 2, Lines 11-24, by deleting all of said lines; and further amend said bill, page 9, subsection 2, lines 1-16 by deleting all of said lines; and further amend said bill, page 10, subsection 6, line 23 by deleting the following: "excluding employees in the department of social services"; and further amend said bill, page 11, subsection 6, lines 9-10, by deleting the following: "excluding employees in the department of social services"; and further amend said bill, page 11, subsection 6, lines 15-16, by deleting the following: "excluding employees in the department of social services"; and further amend said bill, page 11, subsection 6, line 21 by deleting all of said line; and further amend said bill, page 11, subsection 6, lines 23-24 by deleting the following: "excluding employees in the department of social services"; and further amend said bill, page 12, subsection 6, lines 3-5, by deleting the following: "excluding clerical personnel in the department of social services and at health care facilities, institutions, and clinics"; and further amend said bill, page 12, subsection 6, lines 8-9, by deleting the following: "excluding employees in the department of social services"; and further amend said bill, page 12, subsection 6, lines 11-13, by deleting the following: "excluding employees in the department of social services and patient care professionals and instructional staff at state colleges and universities"; and further amend said bill, page 12, subsection 6, line 15, by deleting the following: "excluding employees in the department of social services"; and further amend said bill, page 12, subsection 7, by deleting all of said subsection and inserting in lieu thereof the following:

"7. The Board, working in conjunction with the Division of Personnel, Office of Administration, shall determine the appropriate placement of occupational classifications in the statewide bargaining units."

On motion of Representative Backer, **House Amendment No. 11** was adopted.

Representative Van Zandt offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 14, Section 105.525, Line 6, by inserting at the end of said line the following: "**No exclusive bargaining representative shall be certified by the board unless such exclusive bargaining representative has filed a statement, on a form prescribed by the board, that it will comply with the laws of this state and that it will accept members without regard to age, race, sex, religion, national origin, sexual orientation or physical disability as provided pursuant to this subsection and pursuant to law.**"

Representative Shields raised a point of order that **House Amendment No. 12** is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Van Zandt, **House Amendment No. 12** was adopted by the following vote:

AYES: 079

Abel Auer Backer Barry 100 Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Clayton Crump Daniels 41 Davis 122



Davis 63 Days Dougherty Farnen Fitzwater  
Foley Franklin Fraser Gambaro George  
Graham 106 Graham 24 Green Gunn Hagan-Harrell  
Harlan Hickey Hilgemann Hollingsworth Hoppe  
Kelly 27 Kennedy Kissell Klindt Kreider  
Lakin Lawson Leake Liese Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Monaco Murray O'Connor O'Toole  
Overschmidt Parker Ransdall Relford Reynolds  
Rizzo Scheve Schilling Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Thompson 72 Treadway Van Zandt Wagner Ward  
Wiggins Williams 121 Wilson Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkowitz Berkstresser Black  
Blunt Boatright Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Gratz  
Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kasten Kelley 47 King Koller  
Legan Levin Linton Lograsso Long  
Loudon Luetkemeyer Marble Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Secrest Summers  
Surface Townley Tudor Vogel Williams 159  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Burton Cooper Daniel 42 Ford Hosmer  
Thompson 37 Troupe

VACANCIES: 001

Representative Elliott offered **House Amendment No. 13.**

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 5, Section 105.510, Line 3, by deleting the following: except [police,] deputy sheriffs, Missouri State highway patrolmen, Missouri National Guard [, all teachers of all Missouri schools, colleges and universities].

Representative Boucher offered **House Substitute Amendment No. 1 for House Amendment No. 13.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 5, Section 105.510, Lines 3-5, by deleting all of said lines and inserting in lieu thereof the following:

"105.510. 1. Employees, except [police, deputy sheriffs, Missouri state highway patrolmen,] Missouri national guard, [all teachers of all Missouri schools, colleges and universities,] of".

On motion of Representative Boucher, **House Substitute Amendment No. 1 for House Amendment No. 13** was adopted.

Representative Troupe offered **House Amendment No. 14.**

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 7, Section 105.510, Line 19, by inserting the following after all of said line:

**"4. Notwithstanding the provisions of subsection 2 of this section, the right of employees, in any city not within a county, whose duties include the fighting of fires, to refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments, shall not be affected by agreements between the public employer and any employee organization which is the exclusive bargaining representative, and such fire fighting employees shall not be required as a condition of employment neither to join an employee organization nor to pay any service fees of any kind or nature or in lieu of dues which may be payable by members of the employee organization."**

Representative McLuckie raised a point of order that **House Amendment No. 14** is amending previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Troupe, **House Amendment No. 14** was adopted by the following vote:

AYES: 082

Abel Backer Barry 100 Berkowitz Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Clayton Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Harlan Hickey Hilgemann

Hollingsworth Hoppe Hosmer Kelly 27 Kennedy

Kissell Kreider Lakin Lawson Leake  
Levin Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Relford Reynolds Rizzo Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Wilson Mr. Speaker

NOES: 078

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kasten Kelley 47 King Klindt  
Koller Legan Linton Lograsso Long  
Loudon Luetkemeyer Marble McClelland Merideth  
Miller Murphy Myers Naeger Nordwald  
Ostmann Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schwab Scott Secrest  
Shields Summers Surface Townley Tudor  
Vogel Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 002

Auer Cooper

VACANCIES: 001

Representative Reid offered **House Amendment No. 15.**

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill No. 166, Page 16, Section 105.530, Line 20, by inserting after the "1." the following: "(1)";

Further amend said House Substitute for House Committee Substitute for House Bill No. 166, Page 16, Section 105.530, Line 23, by inserting after all of said line the following:

**"(2) It shall be unlawful for an officer of an employee organization to encourage its public employee members to strike or to condone any such strike."**

On motion of Representative Reid, **House Amendment No. 15** was adopted by the following vote:

AYES: 123

Abel Alter Auer Backer Barnett  
Barry 100 Bennett Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Enz Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hanaway Harlan Hartzler 123 Hartzler 124 Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Howerton  
Kelley 47 Kelly 27 Kennedy Kissell Klindt  
Kreider Lakin Lawson Leake Levin  
Liese Loudon Luetkemeyer Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Ridgeway  
Rizzo Robirds Scheve Schilling Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Wilson Wright Mr. Speaker

NOES: 035

Akin Ballard Bartelsmeyer Bartle Berkowitz  
Berkstresser Boatright Burton Elliott Evans  
Foster Gaskill Gibbons Hampton Hegeman  
Hendrickson Hohulin Holand Kasten King  
Koller Legan Linton Lograsso Long  
Marble Murphy Naeger Pouche Richardson



Ross Schwab Scott Summers Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 004

Cooper Daniel 42 Froelker Sallee

VACANCIES: 001

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Farnen Fitzwater Foley Ford Franklin

Fraser Gambaro George Graham 24 Gratz

Green Gunn Hagan-Harrell Hampton Harlan

Hickey Hilgemann Hollingsworth Hoppe Hosmer

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Levin Liese

Luetkenhaus May 108 Mays 50 McBride McKenna

McLuckie Merideth Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Reynolds Rizzo Scheve Schilling Seigfreid

Selby Shelton Skaggs Smith Stokan

Surface Thompson 37 Thompson 72 Treadway Troupe

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 072

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 King Klindt Legan  
Linton Lograsso Long Loudon Luetkemeyer  
Marble McClelland Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Richardson  
Ridgeway Robirds Ross Sallee Schwab  
Scott Secrest Shields Summers Townley  
Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 001

Cooper

VACANCIES: 001

Representative McLuckie moved that **HS HCS HB 166, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 073

Abel Auer Backer Barry 100 Bonner  
Boucher Boykins Bray 84 Carter Clayton  
Crump Daniel 42 Daniels 41 Davis 63 Days  
Dougherty Farnen Fitzwater Foley Ford  
Franklin Fraser Gambaro George Graham 24  
Green Gunn Hagan-Harrell Harlan Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Kelly 27  
Kennedy Kissell Kreider Lakin Lawson  
Leake Levin Liese Luetkenhaus May 108  
Mays 50 McKenna McLuckie Monaco Murray  
O'Connor O'Toole Overschmidt Relford Reynolds  
Rizzo Scheve Schilling Selby Shelton  
Skaggs Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Wilson Mr. Speaker

NOES: 088

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkowitz Berkstresser Black  
Blunt Boatright Britt Burton Campbell  
Champion Chrismer Cierpiot Crawford Davis 122

Dolan Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Gratz  
Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kasten Kelley 47 King Klindt  
Koller Legan Linton Lograsso Long  
Loudon Luetkemeyer Marble McBride McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Seigfreid Shields  
Smith Summers Surface Townley Tudor  
Vogel Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 001

Cooper

VACANCIES: 001

Representative Green requested a verification of the roll call on the adoption of **HS HCS HB 166, as amended**.

**HCS HB 166** was placed on the Informal Calendar.

On motion of Representative Crump, the House recessed until 3:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 384 - Representative Kennedy  
House Resolution No. 385 - Representative Overschmidt  
House Resolution No. 386 - Representatives Ross and Lograsso  
House Resolution No. 387 - Representative Crawford  
House Resolution No. 388 and House Resolution No. 389 - Representative Crump  
House Resolution No. 390 - Representative Harlan  
House Resolution No. 391 - Representative Ladd Stokan  
House Resolution No. 392 - Representative Abel  
House Resolution No. 393 - Representative Kelley (47)

## PERFECTION OF HOUSE BILL

**HCS HB 889, as amended**, relating to read to be ready program, was taken up by Representative Fitzwater.

Representative Marble offered **House Amendment No. 3**.

Representative Fitzwater raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Boucher offered **House Amendment No. 3**.

### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 889, Page 2, Section 2, Line 33, by adding after all of said line the following:

**"6. Nothing in this act shall be construed to prohibit the inclusion of vision- or hearing-impaired students in reading improvement instruction grant programs appropriate for them. Nothing in this act shall be construed to prevent the consideration of a grant application that focuses on improving reading for vision- or hearing-impaired students."**

On motion of Representative Boucher, **House Amendment No. 3** was adopted.

Representative Patek offered **House Amendment No. 4**.

### *House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 889, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"To repeal section 162.975, RSMo Supp. 1998, and to enact in lieu thereof five new sections for the sole purpose of increasing the reading levels of younger children."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"Section A. Section 162.975, RSMo Supp. 1994, is repealed and five new sections enacted in lieu thereof, to be known as sections 162.975, 1, 2, 3 and 4, to read as follows:

162.975. 1. Each school district or special school district which provides approved special education services for handicapped or severely handicapped children under sections 162.670 to 162.995 or approved extended school year services for such children, shall be entitled under section 163.031, RSMo, to receive state aid. Additional state aid for such programs shall be allocated as follows in the following order of priority:

(1) A school district or special school district shall receive state aid for each child receiving services on homebound status or served by contractual arrangement with a private or public agency approved by the department of elementary and secondary education. The amount paid from state aid for such services shall be adjusted annually by the percent change in the appropriation of state funds to this section for the current fiscal year compared with that for the first preceding fiscal year.

(2) A school district or special school district shall receive state aid for approved extended school year services for handicapped or severely handicapped children. Prior to full implementation of subdivisions (4), (5) and (6) of this subsection, state aid paid for each approved staff member shall bear the same ratio to the amount payable for such staff during the immediate preceding school year as the ratio of the number of hours in the approved extended school year program bears to the number of hours in regular term programs for each respective school district or special school district approved under this section; provided that this amount shall be adjusted annually by the percentage change in the appropriation of state funds to this section for the current fiscal year compared with the appropriation level for the first preceding fiscal year. After full implementation of subdivisions (4), (5) and (6) of this subsection, state aid shall be paid for each approved staff in an amount which bears the same ratio to the amount payable for such staff during the immediate preceding school year as the ratio of the number of hours in the approved extended school year program bears to the number of hours in regular term programs for each respective school district or special school district approved pursuant to this section; provided that the amount payable per approved staff member pursuant to this subdivision for the year of full implementation of subdivisions (4), (5) and (6) of this



subsection and thereafter shall be, on a prorated basis, two times the amount payable per approved staff member pursuant to subdivision (4) of this subsection for the current school year.

(3) The division of youth services within the Missouri department of social services shall receive state aid for approved special education services. State aid shall be paid for each full-time equivalent professional and paraprofessional staff member approved by the department of elementary and secondary education at the rate paid during the first full fiscal year preceding the year in which this section becomes effective plus an annual adjustment equal to the percent change in the appropriation of state funds to this section for the current fiscal year compared with the appropriation level for the first preceding year.

(4) A school district or special school district shall receive state aid for approved professional and paraprofessional staff who are employed or contracted to provide special education services for handicapped and severely handicapped children, including staff used by a school district or special school district to provide services before and after the normal school day for students attending nonpublic schools, who are in compliance with section 167.031, RSMo. Each school district or special school district employing or contracting for professional services or paraprofessional staff in the provision of special education services, as defined and approved by the department of elementary and secondary education, shall receive state aid at a full-time equivalent rate based upon the total allocation of funds pursuant to this subdivision, after sufficient funds are allocated for subdivisions (1), (2) and (3) of this subsection. Paraprofessional staff shall be paid at one-half the rate paid full-time equivalents of professional staff and contractors.

(5) Each school district or special school district providing special education services for handicapped or severely handicapped children shall receive state aid pursuant to section 163.031, RSMo, for each such eligible pupil, and such school district shall receive state aid for each child domiciled in the district and enrolled in a nonpublic school, who are in compliance with section 167.031, RSMo. The per resident student rate paid for students enrolled in nonpublic schools shall be one-half that paid per eligible pupil for students enrolled in a school district or special school district.

(6) No more than fifty percent of the total state aid appropriated pursuant to subdivisions (4) and (5) of this subsection shall be distributed pursuant to subdivision (5) of this subsection. No less than fifty percent of the state aid appropriated pursuant to subdivisions (4) and (5) of this subsection shall be distributed pursuant to subdivision (4) of this subsection. A sufficient share of the funds appropriated pursuant to this subsection shall be appropriated pursuant to subdivisions (1), (2) and (3) of this subsection to meet the requirements of those subdivisions. To the extent allowed by appropriations, the share of funds appropriated pursuant to subdivisions (4) and (5) of this subsection under subdivision (5) shall be increased until that share is equal to fifty percent, at which time subdivisions (4), (5) and (6) of this subsection shall be considered fully implemented, and such share shall remain equal to fifty percent for all years thereafter. No district shall receive less state aid under this section than received during the year preceding that when the phased implementation was begun.

(7) Contractors providing professional services funded under this section shall meet the state licensing and certification requirements appropriate to their contracted duties, as determined by the department of elementary and secondary education.

2. For approved special education and related services provided for handicapped and severely handicapped children under five years of age, but not under the age of three, entitlements for state aid established pursuant to this section and distributed pursuant to section 163.031, RSMo, shall not exceed ninety percent of the cost of the programs as specified in project applications and approved by the department of elementary and secondary education. Such programs shall not be eligible to receive funds allocated pursuant to subsection 1 of this section.

3. Each school district or special school district which provides an approved remedial reading program under provisions of sections 162.670 to 162.995 shall receive state aid established pursuant to this subsection and distributed pursuant to section 163.031, RSMo. The amount paid from state aid for such services **per full-time employee remedial reading teacher** shall be adjusted annually by the percentage change in the appropriation of state funds for the state school aid district entitlements as established pursuant to section 163.031, RSMo, for the current fiscal year compared with that for the first preceding fiscal year. Such programs shall not be eligible to receive funds allocated pursuant to subsection 1 of this section.

4. For approved programs for gifted children, districts shall receive state aid under section 163.031, RSMo, not to exceed seventy-five percent of the cost of instructional personnel and special materials listed in project applications and approved by the department of elementary and secondary education. Such programs shall not be eligible to receive funds allocated pursuant to subsection 1 of this section."; and

Further amend said bill, Page 3, Section 3, Line 18, by inserting after all of said line the following:

**"Section 4. The department of elementary and secondary education shall expand the reimbursement for developmental reading instruction to include all grades kindergarten through twelve."**

On motion of Representative Patek, **House Amendment No. 4** was adopted.

Representative Reid offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 889, Page 3, Section 3, Line 18, by adding after all of said line the following:

"Section 4. 1. This section shall be known as the "Phonics Instruction Act" and is enacted to ensure that all public schools provide phonics instruction in grades kindergarten through three and that all teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of phonics.

2. As used in this section, the following terms mean:

(1) "Grammar", the teaching of how to speak and write standard English, including the construction of sentences, the classification, derivation and properties of words and spelling;

(2) "Phonics instruction", a method of teaching beginners to read and pronounce words by learning the sound associations of individual letters, letter groups and syllables and the principles governing these associations.

3. Phonics instruction shall be provided in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction.

4. The state board of education shall promulgate, by rule, certification standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. By July 1, 2000, the state board shall establish a teacher competency test or tests in grammar and phonics instruction.

5. The state board shall provide in-service training programs for certified teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

6. On and after July 1, 2001, no teacher shall be certified, nor shall certification be renewed, to teach reading in the public schools of this state in grades kindergarten through three unless the teacher has passed a competency test established by the state board on grammar and phonics instruction."

Representative Reid moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 King Klindt Legan

Levin Linton Lograsso Long Loudon

Luetkemeyer Marble Miller Murphy Myers

Naeger Nordwald Patek Pouche Pryor

Purgason Reid Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Shields Summers Surface Townley

Tudor Vogel Wright

NOES: 084

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Farnen

Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 24 Gratz Gunn  
Hagan-Harrell Hampton Harlan Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Leake Liese May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Monaco  
Murray O'Connor O'Toole Ostmann Overschmidt  
Parker Ransdall Relford Reynolds Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper Dougherty Green Luetkenhaus Thompson 37

VACANCIES: 001

Representative Legan offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 889, Page 1, Section 1, Line 14, by inserting the following after the word "tutoring", "**phonics instruction**".

On motion of Representative Legan, **House Amendment No. 6** was adopted.

On motion of Representative Fitzwater, **HCS HB 889, as amended**, was adopted.

On motion of Representative Fitzwater, **HCS HB 889, as amended**, was ordered perfected and printed.

#### PERFECTION OF HOUSE BILLS - INFORMAL

**HB 261**, relating to transportation sales taxation, was taken up by Representative Auer.

Speaker Pro Tem Kreider resumed the Chair.

Representative Levin offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Bill No. 261, Page 1, Section 94.655, Line 6, by adding after said line the following:

**"The provisions of this section shall expire on December 31, 2001, unless extended permanently by a majority vote of affected voters."**



Representative Bennett offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Bill No. 261, Page 1, Section 94.655, Lines 1-6, by striking all of said lines and inserting in lieu thereof the following:

94.655. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2004 for those cities adopting the transportation sales tax by a majority vote of the governing body without submission of the issue to the voters. In those cities in which the transportation sales tax has been submitted to and approved by the voters, the transportation sales tax shall remain in effect until repealed by local ordinance in those cities.

Representative Bennett moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Levin moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 066

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Black Blunt Boatright

Burton Champion Chrismer Cierpiot Crawford

Enz Evans Foster Froelker Gibbons

Graham 106 Griesheimer Gross Hanaway Hartzler 123

Hartzler 124 Hohulin Holand Howerton Kasten

Kelley 47 Kennedy King Klindt Legan

Levin Linton Lograsso Long Loudon

Luetkemeyer Merideth Miller Murphy Myers

Naeger Nordwald Patek Pouche Pryor

Purgason Reid Reinhart Richardson Ridgeway

Robirds Sallee Schwab Scott Secrest

Shields Summers Surface Townley Tudor

Vogel

NOES: 087

Abel Auer Backer Barry 100 Bennett

Berkowitz Bonner Boucher Boykins Bray 84

Britt Campbell Carter Clayton Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Elliott Farnen Fitzwater Foley



Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hegeman Hendrickson Hickey  
Hollingsworth Hoppe Kelly 27 Kissell Koller  
Kreider Lakin Lawson Leake Liese  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Monaco Murray O'Connor O'Toole  
Ostmann Overschmidt Parker Ransdall Reynolds  
Rizzo Ross Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Treadway Troupe Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper Dougherty Gaskill Hilgemann Hosmer  
Marble McLuckie Relford Wright

VACANCIES: 001

Representative Lograsso offered **House Amendment No. 2**.

Representative Auer raised a point of order that **House Amendment No. 2** is dilatory.

The Chair ruled the point of order well taken.

On motion of Representative Auer, **HB 261** was ordered perfected and printed.

**HCS HB 686**, relating to recreational systems, was taken up by Representative Murray.

Representative Murray offered **HS HCS HB 686**.

Representative Murray offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 3, Section 67.791, Line 11, by deleting the following: "**section 67.1625**," and inserting in lieu thereof the following: "**subdivision (2) of subsection 2 of this section**,".

On motion of Representative Murray, **House Amendment No. 1** was adopted.

Representative Hollingsworth offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 13, Section 67.791, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

**"(b) As of January 1, 2012, and every ten years thereafter, the allocation of the board of directors shall be determined by the"; and**

Further amend said bill, Page 13, Section 67.791, Line 10, by inserting after the following: **"2012,"** the following: **"and during an identical period every ten years after such initial period,"**; and

Further amend said bill, Page 13, Section 67.791, Line 21, by inserting in lieu of the following: **"2012."** the following: **"2012, or before January first of the appropriate ten-year period thereafter."**

On motion of Representative Hollingsworth, **House Amendment No. 2** was adopted.

Representative McClelland offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 16, Section 67.791, Line 20, by deleting the following:

**"(2) Fifty"** and inserting in lieu thereof the following:

**"(2) In any county other than a county of the first classification with a charter form of government and having a population of at least nine hundred thousand inhabitants, fifty"; and**

Further amend said bill, Page 17, Section 67.791, Line 1, by inserting after the word **"district"** the following: **", except any county of the first classification with a charter form of government and having a population of at least nine hundred thousand inhabitants,"**; and

Further amend said bill, Page 17, Section 67.791, Line 2, by inserting at the end of said line the following: **"In any county of the first classification with a charter form of government and having a population of at least nine hundred thousand inhabitants, the remaining fifty percent of the sales tax collected from such county shall be returned to such county to be distributed for park purposes as follows:**

**(a) Forty percent of such fifty percent shall be distributed to municipalities for municipal park purposes by a nine-member board. Such board shall be selected by the representatives of the municipal league of such county, and such board shall be composed of three representatives from each of the following three groups:**

- a. Municipalities having a population of thirty thousand or more inhabitants;**
- b. Municipalities having a population of ten thousand or more inhabitants but less than thirty thousand inhabitants;**
- and**
- c. Municipalities having a population of less than ten thousand inhabitants; and**

**(b) Sixty percent of such fifty percent shall be distributed for county park purposes by the governing body of such county."**

Representative McClelland moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Loudon offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 20, Section 67.791, Line 17, by inserting at the end of said line the following: **"All purchases in excess of three thousand dollars used in the construction or maintenance of any public recreational facility, park or public recreational ground in the metropolitan district shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the district shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo."**; and

Further amend said bill, Page 32, Section 67.797, Line 21, by inserting at the end of said line the following: **"All purchases in excess of three thousand dollars used in the construction or maintenance of any public park, neighborhood trail or**

recreational facility in the regional recreation district shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the district shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo."

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 4.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 20, Section 67.791, Line 17, by inserting at the end of said line the following: **"All purchases in excess of ten thousand dollars used in the construction or maintenance of any public recreational facility, park or public recreational ground in the metropolitan district shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the district shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo."**; and

Further amend said bill, Page 32, Section 67.797, Line 21, by inserting at the end of said line the following: **"All purchases in excess of ten thousand dollars used in the construction or maintenance of any public park, neighborhood trail or recreational facility in the regional recreation district shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the district shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo."**

On motion of Representative Lograsso, **House Substitute Amendment No. 1 for House Amendment No. 4** was adopted.

Representative Evans offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 8, Section 67.791, Lines 3 to 5, by deleting all of said lines and inserting in lieu thereof the following:

**"thousand inhabitants, then the executive, the governing body of the county and the chief elected officials of all the municipalities located wholly within such county shall each appoint one member to such board of directors, for a total of three directors for such";** and

Further amend said bill, Page 8, Section 67.791, Line 12, by deleting the following: **"no two";** and

Further amend said bill, Page 8, Section 67.791, Lines 13 to 15, by deleting all of said lines, and inserting in lieu thereof the following: **"the board members of such county shall be appointed in substantially the same manner and according to substantially the same formula as members of the boundary commission of such county are appointed pursuant to section 72.401, RSMo. In the event that the";** and

Further amend said bill, Page 12, Section 67.791, Line 14, by deleting the following: **"and no two board members";** and

Further amend said bill, Page 12, Section 67.791, Lines 15 to 17, by deleting all of said lines, and inserting in lieu thereof the following: **"except that the board members from any such county shall be appointed in the same manner as is prescribed for board members from such county in subdivision (1) of this subsection;";** and

Further amend said bill, Page 13, Section 67.791, Line 4, by deleting the following: **"no two board";** and

Further amend said bill, Page 13, Section 67.791, Lines 5 to 9, by deleting all of said lines, and inserting in lieu thereof the following: **"the board members from any county of the first classification with a charter form of government and having a population of at least nine hundred thousand inhabitants shall be appointed in the same manner as is prescribed for board members from such county in subdivision (1) of this subsection. During the"**

Speaker Gaw resumed for Chair.

Representative Evans moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 075

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bray 84 Burton Champion Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Gross Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Howerton Kasten King Klindt  
Legan Levin Linton Lograsso Long  
Loudon Marble McClelland McLuckie Merideth  
Miller Murphy Myers Naeger Ostmann  
Patek Pouche Purgason Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Shields Summers  
Surface Townley Tudor Van Zandt Vogel

NOES: 076

Abel Auer Backer Barry 100 Berkowitz  
Boucher Boykins Britt Campbell Carter  
Clayton Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Hickey Hilgemann Hollingsworth Hoppe  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Leake Liese May 108  
Mays 50 McBride McKenna Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Relford Rizzo Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Treadway Troupe Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Bonner Cooper Dougherty Hosmer Kelley 47



Luetkemeyer Luetkenhaus Nordwald Pryor Reynolds

Wright

VACANCIES: 001

Representative Smith offered **House Amendment No. 6**.

**House Amendment No. 6** was withdrawn.

Representative Hanaway offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 8, Section 67.791.3(1), Lines 3-6, by deleting all of said lines and inserting in lieu thereof the following:

"thousand inhabitants, then each member of the county council shall appoint one such board member in order of the seniority of the members of the county council, but no county council person shall appoint a second board member until every county council person has made his or her appointment to the board in succession. When a metropolitan district is organized in more than".

Representative Shelton raised a point of order that **House Amendment No. 6** is dilatory.

The Chair ruled the point of order not well taken.

Representative Hanaway moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following:

AYES: 067

Akin Alter Barnett Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Burton Champion Cierpiot Crawford Dolan

Elliott Enz Evans Foster Froelker

Gaskill Gibbons Graham 106 Griesheimer Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten King Klindt

Legan Levin Linton Lograsso Loudon

Marble McClelland Merideth Miller Murphy

Myers Naeger Ostmann Patek Pouche

Purgason Reid Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Shields Summers Surface Townley

Tudor Vogel

NOES: 080

Abel Auer Backer Barry 100 Berkowitz

Boucher Boykins Bray 84 Britt Campbell  
Carter Chrismer Clayton Crump Daniel 42  
Daniels 41 Davis 122 Davis 63 Days Farnen  
Fitzwater Foley Franklin Fraser Gambaro  
George Graham 24 Gratz Green Gross  
Gunn Hagan-Harrell Hampton Harlan Hickey  
Hilgemann Hollingsworth Hoppe Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Leake Liese May 108 Mays 50 McBride  
McKenna McLuckie Monaco Murray O'Connor  
O'Toole Overschmidt Parker Ransdall Relford  
Rizzo Scheve Schilling Seigfreid Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Ballard Bonner Cooper Dougherty Ford  
Hosmer Kelley 47 Long Luetkemeyer Luetkenhaus  
Nordwald Pryor Reynolds Troupe Wright

VACANCIES: 001

On motion of Representative Murray, **HS HCS HB 686, as amended**, was adopted.

On motion of Representative Murray, **HS HCS HB 686, as amended**, was ordered perfected and printed.

#### REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

**HJR 35** - Critical Issues

#### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 682** - Motor Vehicle and Traffic Regulations

**HB 824** - Motor Vehicle and Traffic Regulations

**HB 917** - Civil and Administrative Law

**HB 996** - Ways and Means

#### REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 5** - Local Government and Related Matters

#### COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 607, HB 893, HB 867, HB 866, HB 861** and **HB 528**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Consumer Protection and Housing**, Chairman Schilling reporting:

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **HB 277**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **THE GREATER KANSAS CITY CAUCUS**, begs leave to report it has examined the same **approves it pursuant to 105.473.3(2)(c)d RSMo**.

January 12, 1999

TO: Robert Clayton, Chairman

House Committee on Ethics

FROM: Representative Bill Skaggs

Chairman, Greater Kansas City Caucus

According to Section 105.470, attached is a list of the members of the Greater Kansas City Caucus.

Thank you for your consideration.

Pursuant to Section 105.470, listed below are the members of the Greater Kansas City Caucus:

District 29 /s/ Rep. Maurice Lawson

Room 130-DA 751-9460

District 30 /s/ Rep. Fred Pouche

Room 116-5 751-9756

District 31 /s/ Rep. Bill Skaggs

Room 414 751-2199

District 32 /s/ Rep. Bonnie Sue Cooper

Room 203-B 751-2071

District 33 /s/ Rep. Scott Lakin

Room 206-B 751-6600

District 34 /s/ Rep. Annie Reinhart

Room 116-A1 751-1218

District 35 /s/ Rep. Luann Ridgeway

Room 105-F 751-2238

District 36 /s/ Rep. Rodger Fitzwater

Room 400-CA 751-9757

District 37 /s/ Rep. Vernon Thompson

Room 312 751-1309

District 38 /s/ Rep. Tim Van Zandt

Room 400-CB 751-5282

District 39 /s/ Rep. Marsha Campbell

Room 405-B 751-4485

District 40 /s/ Rep. Henry Rizzo

Room 413-B 751-3310

District 41 /s/ Rep. Fletcher Daniels

Room 315 751-3158

District 42 /s/ Rep. Lloyd Daniel

Room 233-B 751-9758

District 44 /s/ Rep. Steve McLuckie

Room 412-B 751-2437

District 45 /s/ Rep. Bill Tudor

Room 103-BB 751-5543

District 46 /s/ Rep. Tom Hoppe

Room 403-A 751-9469

District 47 /s/ Rep. Pat Kelley

Room 109-A 751-1456

District 48 /s/ Rep. Bill Boucher

Room 313-3 751-7335

District 49 /s/ Rep. Ralph Monaco



Room 405-A 751-9851

District 50 /s/ Rep. Carol Jean Mays

Room 206-A 751-7639

District 51 /s/ Rep. Dennis Bonner

Room 409-A 751-5701

District 52 /s/ Rep. Connie Cierpiot

Room 135-AA 751-9759

District 53 /s/ Rep. Dick Franklin

Room 306 751-6536

District 54 /s/ Rep. Don Lograsso

Room 105-G 751-1487

District 55 /s/ Rep. Carson Ross

Room 105-C 751-8636

District 56 /s/ Rep. Matt Bartle

Room 109-H 751-1464

District 6 /s/ Rep. Randall Relford

Room 234 751-9818

District 123 /s/ Rep. Ed Hartzler

Room 115-D 751-2175

District 124 /s/ Rep. Vicky Hartzler

Room 115-F 751-9780

District 125 /s/ Rep. Jerry King

Room 109-D 751-5388

District 122 /s/ Rep. D. J. Davis

Room 406-A 751-1500

District 8 /s/ Senator Bill Kenney

Room 427 751-7050

District 9 /s/ Senator Mary Bland

Room 334 751-2770

District 10 /s/ Senator Harry Wiggins

Room 423 751-2788

District 11 /s/ Senator Ronnie DePasco

Room 321 751-3074

District 17 /s/ Senator Ed Quick

Room 326 751-4524

District 21 /s/ Senator Jim Mathewson

Room 323 751-4771

District 31 /s/ Senator Harold Caskey

Room 320 751-4116

District 34 /s/ Senator Sidney Johnson

Room 321

Mr. Speaker: Your Committee on Ethics, to which was referred **THE BOOTHEEL CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo.**

February 23, 1999

The Honorable Robert Clayton, III  
Chairman, House Ethics Committee  
State Capitol Building, Room 114C  
Jefferson City, Missouri 65101

In re: Bootheel Caucus

Representative Clayton:

In accordance with Section 105.473.3(2)(c)d RSMo, and the Rules of the House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives Bootheel Legislative Caucus is attached.

Consider this letter a formal application to the Committee on Ethics to establish this Caucus to be recognized as a duly filed and approved caucus of the General Assembly. I will serve as a designated member to present this request to the Committee. Please contact me at 751-0728 if you have any questions concerning this caucus organization.

Sincerely,

/s/ Marilyn Williams

Bootheel Caucus Members

/s/ Phil Britt

/s/ Sam Berkowitz

/s/ Lanie Black

/s/ Ted Farnen

/s/ Bill Foster

/s/ Mark Hampton

/s/ Denny Merideth

/s/ Peter Myers

/s/ Mark Richardson

/s/ Marilyn Williams

Mr. Speaker: Your Committee on Ethics, to which was referred **THE GREATER KANSAS CITY DEMOCRATIC CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo.**

January 12, 1999

TO: Robert Clayton, Chairman

House Committee on Ethics

FROM: Representative Bill Skaggs

Chairman, Greater Kansas City Democratic Caucus

According to Section 105.470, attached is a list of the members of the Greater Kansas City Democratic Caucus.

Thank you for your consideration.

Pursuant to Section 105.470, listed below are the members of the Greater Democratic Kansas City Caucus:

In the House:

District 29 Rep. Maurice Lawson

Room 130-DA 751-9460

District 31 Rep. Bill Skaggs

Room 414 751-2199

District 33 Rep. Scott Lakin

Room 206-B 751-6600

District 36 Rep. Rodger Fitzwater

Room 400-CA 751-9757

District 37 Rep. Vernon Thompson

Room 312 751-1309

District 38 Rep. Tim Van Zandt

Room 400-CB 751-5282

District 39 Rep. Marsha Campbell

Room 405-B 751-4485

District 40 Rep. Henry Rizzo

Room 413-B 751-3310

District 41 Rep. Fletcher Daniels

Room 315 751-3158

District 42 Rep. Lloyd Daniel

Room 233-B 751-9758

District 44 Rep. Steve McLuckie

Room 412-B 751-2437

District 46 Rep. Tom Hoppe

Room 403-A 751-9469

District 48 Rep. Bill Boucher

Room 313-3 751-7335

District 49 Rep. Ralph Monaco

Room 405-A 751-9851

District 50 Rep. Carol Jean Mays

Room 206-A 751-7639

District 51 Rep. Dennis Bonner

Room 409-A 751-5701

District 53 Rep. Dick Franklin

Room 306 751-6535

District 6 Rep. Randall Relford

Room 234 751-9818

District 122 Rep. D. J. Davis

Room 406-A 751-1500

District 9 Senator Mary Bland

Room 334 751-2770



District 10 Senator Harry Wiggins

Room 423 751-2788

District 11 Senator Ronnie DePasco

Room 321 751-3074

District 17 Senator Ed Quick

Room 326 751-4524

District 21 Senator Jim Mathewson

Room 323 751-4771

District 31 Senator Harold Caskey

Room 320 751-4116

District 34 Senator Sidney Johnson

Room 332

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 316, 660 & 203 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HB 516 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 621 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 745**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 775**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 847**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HB 610**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 934**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 178**, **HB 422** and **HB 905**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 844**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 122**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 542**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 643**, **HB 710** and **HB 711**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 687**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1024**, introduced by Representative Crump, relating to certain health care professionals.

**HB 1025**, introduced by Representative Lakin, relating to the county employees' retirement system.

**HB 1026**, introduced by Representatives Parker, Gaw, Monaco, Murray, Lawson, Kreider, Hollingsworth, Hampton and Britt, et al, relating to sexual offenses.

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Fitzwater is no longer a member of the Federal-State Relations and Veterans Affairs Committee.

Representative George has been appointed to the Federal-State Relations and Veterans Affairs Committee.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 362**, entitled:

An act to repeal sections 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265 and 324.267, RSMo Supp. 1998, relating to the licensure of massage therapists, and to enact in lieu thereof eleven new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SB 433**, entitled:

An act authorizing the director of the department of natural resources to convey certain property in the Lake of the Ozarks State Park.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 456**, entitled:

An act to repeal section 362.077, RSMo Supp. 1998, relating to bank charters, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 20**, entitled:

An act to amend chapter 67, RSMo, by adding thereto twenty-two new sections relating to community improvement, with penalty provisions and with a termination date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 32**, entitled:

An act to amend chapter 288, RSMo, by adding thereto one new section relating to notification of unemployment benefit eligibility by certain employers.

In which the concurrence of the House is respectfully requested

.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS #2 SB 163**, entitled:

An act to repeal section 170.011, RSMo 1994, relating to public school instruction, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 180**, entitled:

An act to repeal section 169.670, RSMo Supp. 1998, as enacted by house substitute for house committee substitute for senate committee substitute for senate bill no. 501 of the eighty-ninth general assembly, second regular session and section 169.670, RSMo Supp. 1998, as enacted by senate bill no. 733 of the eighty-ninth general assembly, second regular session, relating to public school retirement systems, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SCS SB 239**, entitled:

An act to repeal section 205.190, RSMo Supp. 1998, relating to county hospitals in first classification counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 325**, entitled:

An act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101, 327.401 and 431.180, RSMo Supp. 1998, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 379**, entitled:

An act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to a cancer information reporting system, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Riback Wilson, the House adjourned until 10:00 a.m., Wednesday, March 10, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-fifth Day, Monday, March 8, 1999, pages 655 and 656, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 656 and 657, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 657 and 658, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 657 and 658, roll call, by showing Representative Berkstresser voting "no" rather than "absent with leave".

Pages 658 and 659, roll call, by showing Representatives Carter, Crump, Hosmer and Levin voting "aye" rather than "absent with leave".

Pages 659 and 660, roll call, by showing Representatives Hosmer, Luetkemeyer and Murray voting "aye" rather than "absent with leave".

Page 661, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Page 662, roll call, by showing Representatives Hosmer and Kreider voting "aye" rather than "absent with leave".

Pages 662 and 663, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".



## COMMITTEE MEETINGS

### AGRI-BUSINESS

Wednesday, March 10, 1999. Side gallery upon morning adjournment.

Executive session may follow.

To be considered - HB 952

### AGRICULTURE

Wednesday, March 10, 1999, 1:30 pm. Hearing Room 9. Executive session may or may not follow.

To be considered - HB 981

### BUDGET

Wednesday, March 10, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget. HB 2 through HB 12.

### BUDGET

Wednesday, March 10, 1999. Hearing Room 6 upon morning adjournment.

Executive session on proposed FY 2000 budget. HB 2 through HB 12.

### BUDGET

Thursday, March 11, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget. HB 2 through HB 12.

### BUDGET

Thursday, March 11, 1999. Hearing Room 6 upon morning adjournment.

Executive session on proposed FY 2000 budget. HB 2 through HB 12.

### CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 10, 1999. Hearing Rooms 1 and 2 upon morning adjournment. AMENDED NOTICE.

To be considered - HB 534, HB 539, HB 829, HB 857, HB 906, HB 917,

Executive Session - HB 199, Executive Session - HB 665,

Executive Session - HB 763, Executive Session - HB 892

### CRIMINAL LAW

Wednesday, March 10, 1999, 8:00 pm. Hearing Room 9. CANCELLED

To be considered - HB 279, HB 339, HB 455, HB 606, HB 927

### ENVIRONMENT AND ENERGY

Thursday, March 11, 1999, 8:30 am. Hearing Room 9. Executive session to

follow.

To be considered - HB 929

#### FISCAL REVIEW

Thursday, March 11, 1999, 9:45 am. North side gallery. Executive session.

To be considered - HB 246, HB 490, HJR 4, HJR 21

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 10, 1999, 8:30 am. Hearing Room 8.

To be considered - HB 868

#### INSURANCE

Thursday, March 11, 1999, 9:30 am. Side gallery. Executive session.

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 11, 1999, 8:00 am. Hearing Rooms 1 and 2.

Contested fiscal notes.

To be considered - HB 199, HB 251, HB 846, SB 339

#### JUDICIARY

Thursday, March 11, 1999, 9:00 am. Hearing Room 5.

To be considered - Executive Session - HB 302, Executive Session - HB 535

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 10, 1999, 8:45 am. Hearing Room 9.

To be considered - HB 415, HB 879, HCR 21, HJR 16

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, March 10, 1999. Northeast side gallery upon afternoon adjournment. Executive session.

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, March 11, 1999. Side gallery immediately upon adjournment.

To be considered - Executive Session - HB 727, Executive Session - HB 772

#### MUNICIPAL CORPORATIONS

Wednesday, March 10, 1999. Hearing Room 7 upon morning adjournment.

To be considered - HB 971, Executive Session - HB 748

#### RETIREMENT

Wednesday, March 10, 1999, 8:00 pm. Hearing Room 7.

To be considered - HB 979, SB 213, Executive Session - HB 223, Executive Session - HB 263, Executive Session - HB 582

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Thursday, March 11, 1999, 9:00 am. Hearing Room 7. Executive session.

To be considered - HB 446

STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, March 10, 1999, 3:00 pm. Hearing Room 5. Executive session.

To be considered - SB 277, SB 357

URBAN AFFAIRS

Tuesday, March 23, 1999, 8:00 pm. Hearing Rooms 1 and 2.

Executive session to follow.

To be considered - SB 4

**HOUSE CALENDAR**

THIRTY-SEVENTH DAY, WEDNESDAY, MARCH 10, 1999

**HOUSE BILLS FOR SECOND READING**

HB 1024 through HB 1026

**HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 1 - Franklin

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 676 - Days

2 HCS HB 389 - Hoppe

3 HCS HB 818 - Days

4 HB 753 - Rizzo

5 HCS HB 852 - Hosmer

6 HCS HB 850 & 851 - Hosmer

7 HCS HB 826 - Harlan

8 HB 401 - Barry

9 HCS HB 793 - Treadway

10 HCS HB 701 - Rizzo

11 HCS HB 603, 722 & 783 - Wiggins

12 HCS HB 822 - Liese

13 HCS HB 718, 225, 876 & 838 - Harlan

14 HB 115 - Kreider

15 HCS HB 441 - Riback Wilson

16 HCS HB 256 - George

17 HB 700 - Mays (50)

18 HCS HB 736, 515 & 508 - Hagan-Harrell

19 HCS HB 460 - O'Toole

20 HCS HB 911 - Clayton

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 26 & 117, as amended - Kreider
- 2 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 3 HCS HB 166 - McLuckie
- 4 HB 492 - Hosmer

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 4, 1999)

- 1 HB 741 - Monaco
- 2 HB 920 - Farnen
- 3 HB 834 - Crump
- 4 HB 352 - Foley
- 5 HB 791 - Wagner
- 6 HB 402 - Relford
- 7 HB 721 - Barry
- 8 HB 779 - Skaggs
- 9 HB 795 - Kennedy
- 10 HB 853 - Seigfreid
- 11 HB 796 - Smith
- 12 HB 778 - Luetkenhaus
- 13 HB 776 - McBride
- 14 HB 476 - Hegeman
- 15 HB 800 - Linton

(March 8, 1999)

- 16 HB 895 - Crump
- 17 HB 792 - Kissell
- 18 HB 500 - Koller
- 19 HB 930 - Ward
- 20 HB 328 - Parker
- 21 HB 915 - Mays (50)



22 HB 327 - Parker

23 HB 268 - Crawford

(March 9, 1999)

24 HB 499 - Hartzler (123)

25 HB 789 - Berkstresser

26 HB 426 - Ridgeway

27 HB 550 - Howerton

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (3-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 516 - Bray

2 HCS HB 490, (Fiscal Review 3-3-99) - Hollingsworth

3 HCS HB 621 - Relford

4 HCS HB 316, 660 & 203 - Ladd Stokan

5 HCS HB 788, 428 & 106 - Smith

6 HS HCS HB 427, 40, 196 & 404 - Luetkenhaus

7 HS HCS HB 246 & 405, (Fiscal Review 3-8-99) - Bray

8 HB 201 - Boucher

9 HCS HB 343 - Treadway

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 568 - May (108)

2 HB 487 - Hollingsworth

3 HB 145 - Wiggins

4 HB 589 - Graham (106)

5 HB 708 - Merideth

6 HB 409 - McBride

7 HB 607 - Riback Wilson

8 HB 893 - Murray

9 HB 866 - Treadway

10 HB 867 - McKenna

11 HB 861 - Griesheimer

12 HB 528 - Chrismer

**SENATE BILLS FOR SECOND READING**

1 SB 20

2 SB 32

3 SS#2 SB 163

4 SB 180

5 SCS SB 239

6 SCS SB 325

7 SB 362

8 SB 379

9 SB 433

10 SB 456

**SENATE BILL FOR THIRD READING**

SCS SB 225, E.C. - Treadway

**BILL IN CONFERENCE**

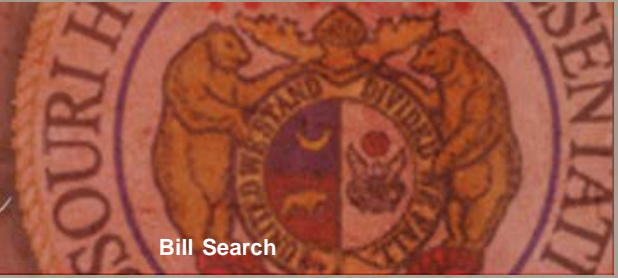
SCS HCS HB 14 - Franklin



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-SEVENTH DAY, Wednesday, March 10, 1999

Speaker Gaw in the Chair.

Prayer by Representative Emmy McClelland.

Dear God, our Creator and maker of all that is good, we ask that You will hear our prayer today.

Like little children waiting in anticipation for Christmas to come, many of us have been counting the days until tomorrow... the first day of our Spring vacation. Lord let us not spend today waiting in eager anticipation for tomorrow... for this is the day that You have made, let us rejoice and be glad in it. Let us never forget that every day You give us is a wondrous and marvelous gift, full of unlimited opportunities to do Your will on Earth.

Lord we ask that You will help us today to use wisely our time, our talents, and our strength. Give us the courage and the humility to right any wrongs that we did yesterday. We pray that You will fill us with Your Holy Spirit and that You will direct our thinking, our words, and our actions so that when this day's work is finished we may deserve Your "Well done". Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Claudia Laubstein, Natalia Gomey, Trixie Rauchfuss, Maria Medina, Sandra Olsinski, Jessica Kneissler, Alexander Sloka, Justin MacAnisch, Ainey Owens, Amber Owens, Aaron Owens, Aston Owens, Autumn Owens, Austin Owens and Natalia Gomez.

The Journal of the thirty-sixth day was approved as corrected.

### RESOLUTION

**HR 369**, relating to Putnam County High School Lady Midgets, was taken up by Representative Summers and read.

House Resolution No. 369

WHEREAS, the members of the Missouri House of Representatives take great pride in recognizing an outstanding group of young athletes who have enjoyed considerable success through steadfast commitment to the highest standards of excellence; and

WHEREAS, in the fall of 1998, the members of the Putnam County High School Lady Midgets Softball Team distinguished themselves as they took First Place at the Missouri State High School Activities Association Class 2A State Softball Championship; and

WHEREAS, the talented Putnam County Lady Midgets emerged victorious over the Westran team in the championship game, during which they shut out the competition and came out on top with a final score of 2-0; and

WHEREAS, the Putnam County Lady Midgets could not have attained such phenomenal success this season without the exemplary leadership provided by Head Coach Mike Schmidli, who has instilled in all his outstanding players the desire to realize their fullest potential, and without the inspiration of former coach Max Mothersbaugh, who served from 1988 to 1997 and finished with a remarkable record of 204-28; and

WHEREAS, in the last eleven years, the Putnam County Lady Midgets have won eleven District Championships; have finished in the Final Four ten times; and have attained an impressive overall record of 228 wins, 32 losses, and 1 tie; and

WHEREAS, few athletes possess the exceptional talent displayed by the Putnam County Lady Midgets, all of whom have put on many spectacular performances to finish the exciting season with a record of 24-4, while honorably representing their school both on and off the field; and

WHEREAS, fellow students, faculty and staff of Putnam County High School, parents, and the entire community are exceedingly proud of the Lady Midgets for their unwavering unanimity while aspiring towards incredible goals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to the Putnam County Lady Midgets for achieving the pinnacle of success by taking First Place in the Class 2A State Championship, and further extend to them our very best wishes as they continue to maintain their high standards for achievement; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Putnam County High School.

On motion of Representative Summers, Rule 63 was suspended and **HR 369** was adopted by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Clayton

Cooper Crawford Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hendrickson Hickey Hilgemann Hohulin

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Levin Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie



Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Bennett Champion Cierpiot Days Green  
Hegeman Holand Legan Lograsso Overschmidt  
Ridgeway Van Zandt

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 395 and House Resolution No. 396 - Representative Selby  
House Resolution No. 397 - Representative Dolan  
House Resolution No. 398 - Representative Kissell  
House Resolution No. 399 - Representative Monaco  
House Resolution No. 400 through House Resolution No. 402 - Representative Hartzler (124)  
House Resolution No. 403 - Representative Sallee

#### **SECOND READING OF HOUSE BILLS**

**HB 1024** through **HB 1026** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 20**, **SB 32**, **SS#2 SB 163**, **SB 180**, **SCS SB 239** and **SCS SB 325** were read the second time.

#### **.THIRD READING OF HOUSE BILLS**

**HS HB 516**, relating to income tax personal exemption, was taken up by Representative Bray.

On motion of Representative Bray, **HS HB 516** was read the third time and passed by the following vote:

AYES: 160

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Green Van Zandt

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Ward moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 621**, relating to summer school attendance, was taken up by Representative Relford.

On motion of Representative Relford, **HCS HB 621** was read the third time and passed by the following vote:

AYES: 148

Abel Alter Auer Backer Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Bray 84 Britt Burton Campbell

Carter Champion Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 122

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Liese Long Loudon Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 010

Akin Ballard Chrismer Davis 63 Griesheimer  
Hohulin Linton Lograsso Marble Townley

PRESENT: 000

ABSENT WITH LEAVE: 004

Boykins King Levin Van Zandt

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Ladd Stokan moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 316, 660 & 203**, relating to the shared care program, was taken up by Representative Ladd Stokan.

On motion of Representative Ladd Stokan, **HCS HBs 316, 660 & 203** was read the third time and passed by the following vote:

AYES: 161

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell



Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Dolan

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 788, 428 & 106**, relating to registration of sex offenders, was taken up by Representative Smith.

On motion of Representative Smith, **HCS HBs 788, 428 & 106** was read the third time and passed by the following vote:

AYES: 136

Abel Auer Backer Ballard Barnett  
Barry 100 Bartle Bennett Berkowitz Black  
Blunt Boatright Bonner Boucher Britt  
Burton Campbell Champion Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniels 41  
Davis 122 Davis 63 Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Gambaro Gaskill George  
Gibbons Graham 106 Gratz Green Griesheimer  
Gross Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schwab Scott Secrest Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Treadway Troupe Tudor Vogel  
Wagner Ward Wiggins Williams 159 Wright  
Mr. Speaker

NOES: 018

Akin Alter Bartelsmeyer Bray 84 Carter  
Days Fraser Froelker Gunn Harlan  
McClelland Schilling Stokan Thompson 72 Townley  
Van Zandt Williams 121 Wilson

PRESENT: 001

Graham 24

ABSENT WITH LEAVE: 007

Berkstresser Boykins Daniel 42 Dolan Kreider

Murphy Seigfreid

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HBs 427, 40, 196 & 404**, relating to infanticide, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HS HCS HBs 427, 40, 196 & 404** was read the third time and passed by the following vote:

AYES: 129

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Britt Burton

Champion Chrismer Cierpiot Cooper Crawford

Crump Davis 122 Dolan Dougherty Elliott

Enz Evans Farnen Foley Foster

Froelker Gambaro Gaskill George Gibbons

Graham 106 Gratz Green Griesheimer Gross

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hohulin Holand Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 McBride

McClelland McKenna Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Schwab Scott Secrest Seigfreid Selby  
Shields Smith Stokan Summers Surface  
Townley Treadway Tudor Vogel Wagner  
Ward Wiggins Williams 159 Wright

NOES: 032

Boykins Bray 84 Campbell Carter Clayton  
Daniel 42 Daniels 41 Davis 63 Days Fitzwater  
Ford Franklin Fraser Graham 24 Gunn  
Hagan-Harrell Harlan Hilgemann Hollingsworth Lakin  
Mays 50 McLuckie Scheve Schilling Shelton  
Skaggs Thompson 72 Troupe Van Zandt Williams 121  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 001

Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Abel, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

**HB 201**, relating to state procurement, was taken up by Representative Boucher.

On motion of Representative Boucher, **HB 201** was read the third time and passed by the following vote:

AYES: 158

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans



Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Berkstresser Merideth Murphy Scott

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 343**, relating to professional registration, was taken up by Representative Treadway.

On motion of Representative Treadway, **HCS HB 343** was read the third time and passed by the following vote:

AYES: 119

Abel Akin Alter Auer Backer  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Black Bonner Boucher Bray 84 Britt  
Campbell Chrismer Cierpiot Clayton Cooper  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Elliott Farnen  
Fitzwater Foley Ford Foster Fraser  
Gambaro George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Kreider Lakin Lawson  
Leake Legan Liese Linton Lograsso  
Loudon Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Murray  
Naeger Nordwald O'Toole Ostmann Overschmidt  
Parker Purgason Ransdall Reid Relford  
Reynolds Richardson Rizzo Ross Schilling  
Schwab Scott Secrest Seigfreid Shelton  
Shields Skaggs Stokan Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 038

Ballard Barnett Berkstresser Boatright Burton  
Carter Champion Crawford Enz Evans  
Froelker Gaskill Hampton Hanaway Hartzler 124  
Hohulin Howerton King Koller Levin  
Long Luetkemeyer Marble Miller Monaco  
Murphy Myers Patek Pouche Pryor  
Reinhart Ridgeway Robirds Sallee Selby  
Smith Surface Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 005

Blunt Boykins Franklin O'Connor Scheve

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**SCS SB 225**, relating to physical therapy assistants, was taken up by Representative Treadway.

On motion of Representative Treadway, **SCS SB 225** was truly agreed to by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Rizzo Robirds Ross Sallee  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 007

Boatright Crawford Evans Hohulin King  
Patek Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 009

Boykins George Harlan Hoppe Kelly 27  
Scheve Secrest Stokan Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 129

Abel Auer Backer Ballard Barnett  
Barry 100 Bennett Berkowitz Berkstresser Black  
Blunt Bonner Boucher Britt Burton  
Campbell Carter Champion Chrismer Clayton  
Cooper Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Graham 106 Graham 24 Green  
Griesheimer Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hosmer  
Kasten Kelley 47 Kennedy Kissell Klindt  
Koller Kreider Lakin Leake Legan



Levin Liese Long Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Relford Reynolds Richardson  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Surface  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 020

Akin Alter Bartelsmeyer Bartle Boatright  
Cierpiot Crawford Evans Gross Hohulin  
King Linton Lograsso Miller Reid  
Reinhart Ridgeway Sallee Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Boykins Bray 84 Gibbons Gratz Hoppe  
Howerton Kelly 27 Lawson Loudon Luetkenhaus  
Patek Stokan Troupe

VACANCIES: 001

On motion of Representative Bonner, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 676**, relating to elections, was taken up by Representative Days.

Representative Barry offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 676, Page 1, In the Title, Line 2, by inserting after the number "115.199," the number "115.289,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "115.199," the number "115.289,"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after the number "115.288," the number "115.289,"; and

Further amend said bill, Page 16, Section 115.288, Line 6, by inserting after all of said line the following:

"115.289. 1. Except as provided in subsection 3 of this section, as applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. Any person authorized under subsection 2 of this section may copy the list, and the election authority may make copies of the list available to such persons for a reasonable fee determined by the election authority.

2. Except as provided in subsection 4 of this section, all lists of applications for absentee ballots shall be kept confidential to the extent that such lists of applications shall not be posted or displayed in any area open to the general public, nor shall such lists of applications be shown to any person who is not entitled to see such lists of applications, either pursuant to the provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall include a candidate or a duly authorized representative of a campaign committee as defined in section 130.011, RSMo, or any person with written authorization from a candidate, or any person that has applied for an absentee ballot.

3. In each city not within a county, **in each county of the first classification having a population of more than nine hundred thousand inhabitants**, in each **county of the first [class county] classification** containing the major portion of a city which has over three hundred thousand inhabitants, and in that portion of each city which has over three hundred thousand inhabitants and located in more than one county, situated in the county containing the major portion of the city, as applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. Prior to 8:00 a.m. on the Friday before an election all absentee ballot applications, lists of absentee ballot applications, or any information contained on the absentee ballot applications shall be kept confidential. Use of the applications, lists or information contained thereon by the election authority prior to 8:00 a.m. on the Friday before an election for purposes other than processing absentee ballots shall be deemed a class one election offense. After 8:00 a.m. on the Friday before an election any person authorized under subsection 4 of this section may copy the list, and the election authority may make copies of the list available to such persons for a reasonable fee determined by the election authority.

4. In each city not within a county, **in each county of the first classification having a population of more than nine hundred thousand inhabitants**, in each **county of the first [class county] classification** containing the major portion of a city which has over three hundred thousand inhabitants, and in that portion of each city which has over three hundred thousand inhabitants and located in more than one county, situated in the county containing the major portion of the city, after 8:00 a.m. on the Friday before an election, all lists of applications for absentee ballots shall be kept confidential to the extent that such lists of applications shall not be posted or displayed in any area open to the general public, nor shall such lists of applications be shown to any person who is not entitled to see such lists of applications, either pursuant to the provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall include a candidate or a duly authorized representative of a campaign committee as defined in section 130.011, RSMo, or any person with written authorization from a candidate, or any person that has applied for an absentee ballot."

On motion of Representative Barry, **House Amendment No. 1** was adopted.

Representative Abel offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 676, Page 23, Section 115.381, Line 6, by adding after line 6 the following:

Section A. Sections 115.391, 115.393 and 115.397, RSMo 1994, and section 115.395, RSMo Supp. 1998, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.391, 115.393, 115.395 and 115.397, to read as follows:

115.391. Not later than the fourth Tuesday prior to the primary election 2002, each election authority shall prepare a sample official [ballots] **ballot**. The sample [ballots] **ballot** shall contain, under the appropriate offices and party designations, the names of all candidates to be voted on in its jurisdiction in the order they will appear on the ballot. Each sample ballot shall be printed upon tinted or colored paper, of a different tint or color from the official primary ballot, and shall contain no endorsements. Immediately after having the sample [ballots] **ballot** prepared, each election authority shall mail to the chairman of each county committee in its jurisdiction and to each candidate named on the ballot, a copy of the sample ballot [for his party]. The election authority shall also post a copy of [each] **the** sample ballot in a conspicuous place in its office.

115.393. Prior to the primary election, each election authority shall correct any errors or omissions on the sample [ballots] **ballot** and cause official ballots to be printed. [For each party having a ballot at the primary election,] The election authority shall deliver to each polling place a number of ballots equal to at least one and a half times the number of ballots cast in the voting district [for the party] at the next to last primary election. [If no ballots were cast for a party in a voting district at the last primary election, the election authority shall deliver to the polling place a number of ballots estimated to be sufficient for the party.]

115.395. 1. At each primary election, there shall be [as many separate ballots as there are parties entitled to participate in the election] **one ballot**.

2. The names of the candidates for each office on [each party] **the** ballot shall be listed **by party** in the order in which they are filed, except that, in the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing **for each party** the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on [each party] **the** ballot shall be listed **by party** in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by random drawing **for each party** the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day for filing for each office on [each party] **the** ballot shall be listed **by party** in ascending order of the numbers so drawn.

3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall apply to [each] **the** ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows[, no circle shall appear under any party name] and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.

115.397. 1. In each primary election, each voter shall be entitled to receive [the] **one** ballot [of]. **Each voter shall vote on the candidates from one and only one political party, designated by the voter [before receiving his ballot.] on the first page of such voter's ballot in substantially the following form, and followed by such other directions to voters as established pursuant to section 115.439:**

**"Instructions to voters: Choose the party primary in which you will vote. You may choose one party only. Place an "X" in the circle immediately below the name of the party primary in which you intend to vote.**

(political party name) If you have selected this party, turn to

( ) page ( ) and continue voting.

(political party name) If you have selected this party, turn to

( ) page ( ) and continue voting."

**Such form shall be followed until all parties entitled to participate in the primary election have been named on the ballot. Each party entitled to participate in the primary shall have its own pages on the ballot, separate from all other parties as detailed in the form set forth in this subsection, and all of such party's candidates for each office shall be listed together by office on such pages in the manner prescribed in section 115.395. For purposes of this subsection, any electronic or other means approved by law may be used in lieu of the "X" prescribed by the form in this subsection.**

2. Each voter who [participates in a] **votes on the party primary portion of the ballot** shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each voter who does not wish to [participate in a] **vote on the party primary portion** may vote on all questions and for any nonpartisan candidates submitted by a political subdivision or special district at the primary election.

3. **Nothing in this section shall be construed to require voters to declare any political party affiliation at any point during such primary other than on the secret ballot of such voter.**

Representative Abel moved that **House Amendment No. 2** be adopted.

Which motion was defeated.



**HCS HB 676, as amended**, was laid over.

On motion of Representative Foley, the House recessed until 3:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Treadway Troupe Tudor Van Zandt Wagner



Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 002

Patek Reynolds

ABSENT WITH LEAVE: 008

Bartelsmeyer Gaskill Hohulin Lograsso Luetkemeyer

Secrest Townley Vogel

VACANCIES: 001

#### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 404 - Representative Vogel

House Resolution No. 405 - Representative Barry

House Resolution No. 406 - Representative Reynolds

House Resolution No. 407 - Representative Williams (159)

House Resolution No. 408 - Representative Hohulin

#### PERFECTION OF HOUSE BILL - INFORMAL

**HCS HBs 26 & 117, as amended**, relating to first degree murder, was taken up by Representative Kreider.

Representative Luetkenhaus offered **HS HCS HBs 26 & 117**.

Representative Smith assumed the Chair.

Representative Davis (63) offered **House Amendment No. 1**

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*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 26 and 117, Page 1, Section 565.020, line 14, by deleting the following: **"(1)"**;

and further amend House Substitute for House Committee Substitute for House Bill Nos. 26 and 117, Page 1, Section 565.020, line 15, by inserting after said line the following: **"."**;

and further amend House Substitute for House Committee Substitute for House Bill Nos. 26 and 117, Page 1, Section 565.020, lines 16 through 19 by: deleting all of said lines.

On motion of Representative Davis (63), **House Amendment No. 1** was adopted.

Representative Kreider offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 26 and 117, Page 6, Section 565.032, line 4, by inserting after said line the following:

**"(19) The murder was of a person with a developmental disability as defined in section 630.005, RSMo;**

**(20) The murder was of a dependant adult."**

On motion of Representative Kreider, **House Amendment No. 2** was adopted.

On motion of Representative Luetkenhaus, **HS HCS HBs 26 & 117, as amended**, was adopted.

On motion of Representative Luetkenhaus, **HS HCS HBs 26 & 117, as amended**, was ordered perfected and printed.

**THIRD READING OF HOUSE BILLS - CONSENT**

Speaker Pro Tem Kreider assumed the Chair.

**HB 568**, relating to employment discrimination, was taken up by Representative May (108).

On motion of Representative May (108), **HB 568** was read the third time and passed by the following vote:

AYES: 157

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Backer King Secrest Thompson 37 Townley

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**HB 487**, relating to false affidavits regarding child support, was taken up by Representative Hollingsworth.

On motion of Representative Hollingsworth, **HB 487** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Cierpiot King Secrest Thompson 37  
Townley

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.



Representative Thompson (72) moved that motion lay on the table.

The latter motion prevailed.

**HB 145**, relating to sewer corporations, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **HB 145** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Luetkemeyer Luetkenhaus Secrest Thompson 37  
Townley

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Fraser moved that motion lay on the table.

The latter motion prevailed.

**HB 589**, relating to conveyance in St. Francois County, was taken up by Representative Graham (106).

On motion of Representative Graham (106), **HB 589** was read the third time and passed by the following vote:

AYES: 157

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Backer Secrest Thompson 37 Townley Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

**HB 708**, relating to ownership of agricultural land, was taken up by Representative Merideth.

On motion of Representative Merideth, **HB 708** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Cooper Crawford Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Backer Burton Crump Hohulin Lakin  
Lawson Secrest Thompson 37 Townley Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.



The latter motion prevailed.

**HB 409**, relating to dental businesses, was taken up by Representative McBride.

On motion of Representative McBride, **HB 409** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Roberts Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Treadway Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Burton Dolan Patek Secrest

Thompson 37 Townley Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative George, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HB 607**, relating to HIV testing, was taken up by Representative Riback Wilson.

On motion of Representative Riback Wilson, **HB 607** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Patek Secrest Thompson 37 Townley  
Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**HB 893**, relating to 911 Day, was taken up by Representative Murray.

On motion of Representative Murray, **HB 893** was read the third time and passed by the following vote:

AYES: 114

Abel Alter Auer Backer Barry 100  
Bennett Berkowitz Berkstresser Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Chrismer Cierpiot Clayton  
Cooper Crawford Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dougherty Enz  
Evans Farnen Fitzwater Foley Ford

Franklin Fraser Froelker Gambaro George  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hendrickson Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Koller Kreider  
Lawson Leake Levin Liese Long  
Loudon Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna McLuckie Monaco Murphy  
Murray O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Ransdall Reid Relford  
Reynolds Rizzo Robirds Ross Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 72 Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 040

Akin Ballard Barnett Bartelsmeyer Bartle  
Boatright Burton Champion Elliott Foster  
Gaskill Gibbons Hanaway Hartzler 124 Hegeman  
Hohulin Holand Howerton Klindt Legan  
Linton Luetkemeyer Marble Merideth Miller  
Naeger Nordwald Pouche Pryor Purgason  
Reinhart Richardson Ridgeway Sallee Schwab  
Scott Shields Summers Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Dolan Lakin Lograsso Myers Secrest  
Thompson 37 Townley Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Hilgemann moved that motion lay on the table.



The latter motion prevailed.

**HB 866**, relating to transaction brokers, was taken up by Representative Treadway.

On motion of Representative Treadway, **HB 866** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 72

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 001

Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartelsmeyer Cooper Dolan Lakin Reid

Secrest Thompson 37 Townley Wiggins

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Davis (63), title to the bill was agreed to.

Representative O'Connor moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

Representative Green assumed the Chair.

**HB 867**, relating to optometry, was taken up by Representative McKenna.

On motion of Representative McKenna, **HB 867** was read the third time and passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Hohulin Secrest Thompson 37 Townley Troupe

VACANCIES: 001

Representative Green declared the bill passed.

On motion of Representative Lawson, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HB 861**, relating to surplus property, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, **HB 861** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartle Green Hohulin Secrest Thompson 37

Townley Troupe

VACANCIES:001

Representative Green declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.



Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HB 528**, relating to public holidays, was taken up by Representative Chrismer.

On motion of Representative Chrismer, **HB 528** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Stokan Surface Thompson 72

Treadway Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Hohulin Hollingsworth Levin Lograsso Secrest

Smith Summers Thompson 37 Townley Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boykins, title to the bill was agreed to.

Representative Berkowitz moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 676, as amended**, relating to elections, was again taken up by Representative Days.

Representative Graham (24) offered **House Amendment No. 3**.

##### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 676, Page 1, In the Title, Lines 5 to 7, by deleting all of said lines and inserting in lieu thereof the following: "115.507, 115.615, 115.621, 115.635, 115.647, 115.750, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof twenty-six new sections relating to the same subject"; and

Further amend said bill, Page 1, Section A, Lines 4 to 9, by deleting all of said lines and inserting in lieu thereof the following: "115.615, 115.621, 116.635, 115.647, 115.750, 115.755, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 105.492, 115.013, 115.019, 115.105, 115.123, 115.151, 115.155, 115.157, 115.158, 115.195, 115.199, 115.283, 115.288, 115.325, 115.349, 115.351, 115.359, 115.369, 115.377, 115.381, 115.453, 115.507, 115.615, 115.621, 115.635 and 115.647, to read as follows:"; and

Further amend said bill, Page 6, Section 115.105, Lines 14 to 17, by deleting all of said lines and inserting in lieu thereof the following:

"4. All persons selected as challengers shall have the same qualifications required by"; and

Further amend said bill, Page 6, Section 115.123, Lines 1 to 25, by deleting all of said lines and inserting in lieu thereof the following:

"115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3 and 4 of this section, and section 247.180, RSMo, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter.

2. Notwithstanding the provisions of subsection 1 of this section, school districts may hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August, and municipalities may hold elections in nonprimary years on the first Tuesday after the first Monday in August.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
  - (2) Elections for which ownership of real property is required by law for voting; and
  - (3) Special elections to fill vacancies and to decide tie votes or election contests.
4. [After August 28, 1997,] No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.
5. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before [August 28, 1997] **the effective date of this section**.

6. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo, but no other issues shall be on the March ballot **except pursuant to this chapter.**"; and

Further amend said bill, Page 28, Section 115.755, Lines 1 and 2, by deleting all of said lines; and

Further amend said bill, Page 28, Section 115.761, Lines 1 to 35, by deleting all of said lines; and

Further amend said bill, Page 29, Section 115.770, Lines 1 to 13, by deleting all of said lines; and

Further amend said bill, Page 30, Section 115.773, Lines 1 to 5, by deleting all of said lines; and

Further amend said bill, Page 30, Section 115.776, Lines 1 to 56, by deleting all of said lines; and

Further amend said bill, Page 31, Section 115.785, Lines 1 to 8, by deleting all of said lines; and

Further amend said bill, Page 32, Section 115.750, Line 4, by inserting after all of said line the following:

"[115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in April of each presidential election year.]

[115.758. On or before the tenth Tuesday prior to the date of the presidential preference primary, the secretary of state shall announce the official list of presidential candidates for each established political party as provided in section 115.761.]

[115.761. 1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates who meet all of the requirements specified in the rules of the state or national party organization of each established political party for whom, on or after 8:00 a.m. on the second Tuesday in December in the year preceding the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

(1) Receipt of payment to the state committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of one thousand dollars; or

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than one thousand registered voters in each of the state's congressional districts requesting that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary. The request to be included on the presidential primary ballot shall be in substantially the following form:

I (We) the undersigned, do hereby request that the name of ..... be placed upon the April ....., ....., presidential primary ballot as candidate for nomination as the nominee for President of the United States on the ..... party ticket.

2. The state or national party organization of an established political party which adopts rules imposing signature requirements to be met before a candidate can be listed as an official candidate shall notify the secretary of state by October first of the year preceding the presidential primary.

3. Any candidate or such candidate's authorized representative may have such candidate's name stricken from the presidential primary ballot by, on or before 5:00 p.m. on the Friday before the tenth Tuesday prior to the election, filing with the secretary of state a written statement, sworn to before an officer authorized by law to administer oaths, requesting that such candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state shall not include the name of that candidate in the official list announced under section 115.758 or in the certified list of candidates transmitted under section 115.765.

4. The filing times set out in this section shall only apply to presidential preference primaries, and are in lieu of those established in section 115.349.]

[115.765. On or before the tenth Tuesday prior to a presidential preference primary, the secretary of state shall transmit to each election authority a certified list containing the names of all candidates whose names shall appear on the presidential preference primary ballot of each party. The names of the candidates shall appear in the order in which their request to be included on the presidential primary ballot was received in the office of the secretary of state, except that, in the case of candidates who file a request to be included on the presidential primary ballot with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate, or candidate's representative, may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's request to



be included on the presidential primary ballot. The names of candidates filing on the first day for filing on each party ballot shall be listed in ascending order of the numbers so drawn.]

[115.767. Each election authority shall cause the name of candidates certified by the secretary of state to appear on the presidential preference primary ballot of each party, followed by a listing for an uncommitted vote.]

[115.770. The conduct of the presidential preference primary election and the count and canvass of the votes cast therein shall conform as nearly as is practicable to that prescribed for the conduct of the primary election for state officers. All primary election laws not inconsistent with the provisions of sections 115.750 to 115.785 shall be applicable to the conduct of this election, and the form of the ballot insofar as is practicable shall be substantially as that prescribed by section 115.395. In a presidential preference primary, each voter shall be entitled to receive the ballot of one and only one established political party, designated by the voter before receiving such voter's ballot. Each voter who participates in a presidential preference primary shall be entitled to vote on all questions and for any candidates submitted by political subdivisions and special districts at the general municipal election. Each voter who does not wish to participate in a presidential preference primary may vote on all questions and for any candidates submitted by a political subdivision or special district at the general municipal election.]

[115.773. After the count and canvass of the votes cast, the secretary of state shall notify the state chair of each of the established political parties for whom a candidate was listed, of the number of votes and the proportion of the total number of votes recorded in that established political party's primary that each candidate and uncommitted listing received in each congressional district individually and in the state at large.]

[115.776. 1. The state party organization which is the state organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in congressional and state conventions. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties; provided, however that rules so established require national delegates to be pledged to support presidential candidates as provided by section 115.625 and sections 115.250 to 115.785. The delegates and alternates shall be selected as provided in this section; except that, if the rules of the national committee of the established political party are in conflict with the provisions of this section, then the national committee rules shall govern the selection of delegates where in conflict with this section.

2. Not less than three-fourths of the convention delegates from the state to the national convention shall be allocated equally to the state congressional districts. Those delegates not allotted to congressional districts must be allotted to the state as at-large delegates. Additional at-large delegates allocated to a state under national party rules shall not be included in the calculation of the proportion of the state's delegates allocated to congressional districts and at large.

3. Following the state presidential primary, a person seeking to be selected as national convention delegate or alternate must designate whether or not such person is committed, and, if committed, to which candidate such person is committed.

4. To qualify as a delegate from a congressional district, a person must be a properly registered voter of the congressional district from which he seeks to be a delegate. To qualify as an at-large delegate, a person must be a registered voter of this state.

5. If a delegate or alternate dies, withdraws or becomes disqualified after such person has been selected and before the national convention for which such person is selected has begun, such person shall be replaced by a qualified person committed to the same preference and selected by the party's congressional district committee or state committee, as the case may be.

6. Congressional district delegates and alternates shall be selected so that the proportion of the total district delegates and alternates that are committed to each candidate or are uncommitted equals as nearly as possible the proportion of the popular vote cast in the presidential primary election in that district for each candidate and for the uncommitted position; except that votes for a candidate or for the uncommitted position which total less than fifteen percent of the district total shall be counted as uncommitted in determining proportions of district delegates awarded if the sum of all such votes exceeds fifteen percent of the district total.

7. At-large delegates and alternates shall be selected in numerical order from each slate so that the proportion of the total at-large delegates and alternates that are uncommitted or committed to each candidate equals as nearly as possible the proportion of the popular vote for that established political party that was cast as uncommitted and for each candidate or uncommitted listing that total less than fifteen percent of the total shall be counted as uncommitted in determining proportions of district delegates awarded as if the sum of all such votes exceeds fifteen percent of the state total.

8. In determining the number of delegates and alternates to be awarded to each candidate and as the uncommitted delegates and alternates, the percentage of the vote received by each candidate and the percentage of the uncommitted vote in each congressional district or state at large, as the case may be, shall be multiplied by the total number of delegates allotted to the congressional district or the state at large, as the case may be. The product arrived at for each candidate or the uncommitted vote shall be rounded off to the nearest whole number to arrive at the number of delegates to be awarded to a particular candidate or the uncommitted vote. The percentage of the vote received by each candidate and for uncommitted shall be determined in accordance with the provisions of this section and shall not take into consideration the votes for any candidate or uncommitted listing that total less than fifteen percent of the district total or the state at large as the case may be.

9. The delegates and alternates shall be selected and allocated as provided in this section; except that, if the rules of the national committee of the established political party are in conflict with the provisions of this section, then the national committee rules shall govern the selection and allocation of delegates where in conflict with this section.]; and



Further amend said bill, Page 32, Section 115.780, Line 13, by inserting after all of said line the following:

"[115.785. The provisions of sections 115.061 to 115.077, to the contrary notwithstanding, a presidential preference primary shall impose on the state of Missouri only those costs which pertain directly to the presidential preference primary and the state shall not be liable for any costs ordinarily incurred by any local election authority conducting an election on the first Tuesday in April.]".

Representative Froelker offered **House Substitute Amendment No. 1 for House Amendment No. 3**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 676, Page 7, Section 115.123, Line 8, by inserting after the word "**year**" the following: "**beginning in the year 2004**".

Representative Monaco raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 3** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Froelker moved that **House Substitute Amendment No. 1 for House Amendment No. 3** be adopted.

Which motion was defeated.

Speaker Gaw resumed the Chair.

Representative Graham (24) moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 036

Akin Backer Bartle Bennett Chrismer

Clayton Crawford Crump Fitzwater Foley

Froelker Gibbons Graham 24 Gratz Griesheimer

Gross Hendrickson Holand Klindt Kreider

Liese Loudon Luetkemeyer Luetkenhaus Monaco

Murphy Myers Naeger Overschmidt Patek

Schilling Townley Wagner Williams 121 Wilson

Wright

NOES: 116

Abel Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Berkowitz Berkstresser Black

Blunt Boatright Bonner Boucher Boykins

Bray 84 Britt Campbell Carter Champion  
Cierpiot Cooper Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Ford Foster  
Franklin Fraser Gambaro Gaskill George  
Graham 106 Green Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Koller Lakin Lawson  
Leake Legan Levin Long Marble  
May 108 McBride McClelland McKenna McLuckie  
Merideth Miller Murray Nordwald O'Connor  
O'Toole Ostmann Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Richardson Rizzo Robirds Ross Sallee  
Scheve Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Treadway  
Van Zandt Vogel Ward Wiggins Williams 159  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton Hohulin Linton Lograsso Mays 50  
Reynolds Ridgeway Secrest Troupe Tudor

VACANCIES: 001

Representative Bray offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 676, Page 1, In the Title, Line 7, by deleting the number "thirty-two" and inserting in lieu thereof the number "fifty-three"; and

Further amend said bill, Page 1, In the Title, Line 7, by inserting after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the number "thirty-two" and inserting in lieu thereof the number "fifty-three"; and

Further amend said bill, Page 1, Section A, Line 9, by deleting the phrase "and 115.785" and inserting in lieu thereof the following: ", 115.785, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21"; and

Further amend said bill, Page 31, Section 115.785, Line 8, by inserting after all of said line the following:

**"Section 1. As used in sections 1 to 21 of this act, the following terms mean:**

- (1) "Clearly identified candidate", a candidate whose name, photograph, drawing or likeness is, or whose identity is, apparent by unambiguous reference;
- (2) "Commission", the Missouri ethics commission;
- (3) "Excess expenditure", money spent by a nonparticipating candidate in excess of the public funding amount available to a participating candidate;
- (4) "Excess qualifying contributions", qualifying contributions accepted by a candidate beyond the number or dollar amount of contributions required to qualify a candidate for public funding;
- (5) "Exploratory period", the period that begins after the date of a general election and ends at the beginning of the public funding qualifying period for the subsequent election for the same office;
- (6) "Fair election credit card", a credit card issued by the state treasurer pursuant to subsection 2 of section 15 of this act entitling a candidate and designated members of the candidate's staff to draw money from a commission account to pay all campaign costs and expenses;
- (7) "Full home address", the principal place of residence, including a street number and name or post office box, city, state and zip code. Such term shall not mean an individual's business address, vacation home address, rental property address or any address not the principal residence of the person;
- (8) "Full name", full first name, middle name or initial, if any, and full legal last name, making the identity of the person apparent by unambiguous reference;
- (9) "General election campaign period", the period beginning the day after the primary or runoff election and ending on the day of the general election;
- (10) "Immediate family", the candidate's spouse and children;
- (11) "Independent expenditure", an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such a candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such a candidate;
- (12) "Mass mailing", mailing of newsletters, pamphlets, brochures or other similar items of more than one hundred pieces in which the content of the matter mailed is substantially identical. Mass mailing shall not include:
  - (a) A mailing made in direct response to communication from a person to whom the matter is mailed;
  - (b) A mailing to federal, state or local government officials; or
  - (c) News releases to the communications media;
- (13) "Nonparticipating candidate", a candidate who chooses to run in an election pursuant to sections 1 to 21 of this act using campaign contributions raised from private sources, or who otherwise is ineligible or fails to qualify for public funding pursuant to sections 1 to 21 of this act;
- (14) "Participating candidate", a candidate who qualifies for public funding by collecting the required number of qualifying contributions, making all required reports and disclosures, and being certified as complying with the provisions of sections 1 to 21 of this act;
- (15) "Personal funds", funds contributed by a candidate or a member of the candidate's immediate family;
- (16) "Primary election campaign period", the period beginning thirty days after filing for the pertinent office closes and ending on the day of the primary election;
- (17) "Principal place of employment", the primary organization or employer from which an individual derives his or her principal income, including the employer's official name and post office address. The employer's post office address shall include street number and name or post office box, city, state and zip code;
- (18) "Public funding qualifying period", the period prior to the primary election campaign period during which candidates may collect qualifying contributions in order to qualify for public funding. The period shall begin on the first day of January of an election year and end with the start of the primary election campaign period;
- (19) "Qualifying contribution", a contribution of five dollars made during the designated public funding qualifying period by a voter registered within the candidate's district, in the case of a candidate for state senator or state representative, or voter registered in this state, in the case of a candidate for statewide office, and acknowledged by written receipt identifying the contributor;
- (20) "Seed money contribution", a contribution of no more than one hundred dollars, made during the exploratory period or the public funding qualifying period, by a voter registered in this state, or of personal funds within the limits set forth in section 7 of this act.

Section 2. 1. Before a candidate for a political party's nomination for office in the primary election shall be certified as a participating candidate for public funding for the primary, the candidate shall apply to the commission for public



funding for the primary and file a sworn statement that the candidate has complied and will comply with all requirements of sections 1 to 21 of this act throughout the applicable election cycle, which includes the primary and general elections for that office. Filing for certification shall be made prior to the first day of the primary election campaign period.

2. A candidate shall be certified by the commission as a participating candidate for receipt of full public funding for the primary election if the candidate complies with subsection 1 of this section and meets the following qualifying contribution requirements before the close of the public funding qualifying period:

- (1) Two hundred qualifying contributions in the case of a candidate for state representative;
- (2) Five hundred qualifying contributions in the case of a candidate for state senator;
- (3) Two hundred fifty qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for a statewide elected office other than governor;
- (4) Five hundred qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for governor.

3. Each qualifying contribution shall be acknowledged by a receipt listing the contributor's full name and full home address. The candidate shall present each contributor with a copy of the receipt, and shall retain a copy of each receipt for presentation to the commission in compliance with subsection 1 of section 9 of this act.

4. The commission shall determine a candidate's compliance with the requirements of subsections 2 and 3 of this section by utilizing such verification techniques, including the use of sampling techniques, as the commission deems appropriate.

5. Qualifying contributions and excess qualifying contributions may be retained, but if retained, shall be spent only as seed money contributions pursuant to the terms and limitations in section 8 of this act.

6. No candidate or person acting on behalf of a candidate shall solicit or accept qualifying contributions unless the candidate has first registered with the commission as seeking to qualify for public funding.

Section 3. 1. Before a political party candidate shall be certified as eligible for full or proportional public funding for the general election, the candidate shall apply to the commission for public funding for the general election, and file a sworn statement that the candidate has fulfilled all the requirements of sections 1 to 21 of this act in the primary election and will comply with such requirements for the general election. Filing for certification shall be made not later than two days after the date of the certification of the results of the primary election, except in the case of a candidate selected by the party nominating committee pursuant to section 115.363, RSMo, in which case filing for certification shall be made not later than two days after the date on which the candidate is so selected.

2. A political party candidate shall be certified by the commission as a participating candidate for receipt of full public funding for the general election if the candidate complies with subsection 1 of this section and meets the following requirements:

(1) The candidate:

- (a) Was a participating candidate during the primary election, and won the party's nomination;
- (b) Has been selected by the party nominating committee as a party candidate pursuant to section 115.363, RSMo; or
- (c) Has been selected to replace a candidate who was a participating candidate during the primary election; and

(2) The candidate's party meets at least one of the following qualifications:

- (a) In the most recent primary election for the office sought, the combined votes received by all candidates for that party's nomination for that office was more than fifteen percent of the total votes cast for the candidates of all parties for that office; or
- (b) In the previous general election, the nominee of that party for the office sought received the greatest or second greatest number of votes cast and more than fifteen percent of the total votes cast for all candidates for that office.

3. A party candidate shall be certified by the commission as a participating candidate for receipt of proportional public funding for the general election if the candidate complies with subsection 1 of this section and meets the following requirements:

(1) The candidate does not qualify for full public funding pursuant to subsection 2 of this section; and

(2) The candidate:

- (a) Was a participating candidate during the primary election, and won the party's nomination;
- (b) Has been selected by the party nominating committee as a party candidate pursuant to section 115.363, RSMo; or
- (c) Has been selected to replace a candidate who was a participating candidate during the primary election; and



(3) The candidate's party meets at least one of the following qualifications:

(a) In the most recent primary election for the office sought, the combined votes received by all candidates for that party's nomination for that office were more than five percent but less than fifteen percent of the total votes cast for all candidates for that office; or

(b) In the previous general election, the nominee of that party for the office sought received more than five percent but less than fifteen percent of the total votes cast for all candidates for that office.

Section 4. 1. An independent candidate shall receive public funding for the general election if such candidate raises one hundred fifty percent of the number of qualifying contributions required for a candidate running in a party primary for the office sought.

2. An independent candidate who qualifies for public funding on the basis of qualifying contributions shall receive his or her line of credit for total public funding in the general election on the first day of the primary election campaign period, or when qualified, whichever occurs later.

3. The qualifying contributions of an independent candidate shall be raised between the beginning of the public funding qualifying period and the date thirty days after the filing deadline date for independent candidates.

Section 5. A participating candidate who accepts any benefits pursuant to sections 1 to 21 of this act during the primary election shall comply with all requirements of sections 1 to 21 of this act throughout the general election during the same election cycle. A participating candidate who accepts benefits during a primary shall not elect to accept private contributions in violation of sections 1 to 21 of this act during the corresponding general election.

Section 6. 1. A participating candidate shall not accept private contributions other than seed money contributions and qualifying contributions during the exploratory period and the public financing qualifying period.

2. In an election year, each candidate in a primary election for an office subject to sections 1 to 21 of this act, whether participating or nonparticipating, shall furnish a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions and expenditures to the commission by the first day of March, the first day of May, the first day of June, the first day of July, the fifteenth day of July and by the day seven business days before the date of the primary election.

3. In an election year, each candidate in a general election for an office subject to sections 1 to 21 of this act, whether participating or nonparticipating, shall furnish a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions and expenditures to the commission by the first day of September, the fifteenth day of September, the first day of October, the fifteenth day of October and by the day seven business days before the date of the general election.

4. A candidate shall keep a record of any campaign contribution of more than twenty-five dollars, including seed money contributions and qualifying contributions, which shall include the full name of the contributor and the contributor's full home address. In addition, if a contributor's aggregate contributions to any candidate for an office subject to the provisions of sections 1 to 21 of this act exceed twenty-five dollars for any election cycle, the record shall also include the contributor's business or employment and the contributor's principal place of employment. A candidate shall cooperate with any audit or examination by the commission.

5. In the case of a qualifying contribution, the failure to record or provide complete disclosure information pursuant to subsection 3 of this section disqualifies the contribution from counting as a qualifying contribution.

6. A candidate or anyone acting on a candidate's behalf shall not accept any contribution not complying with the requirements of subsection 3 of this section.

7. A candidate shall not accept more than twenty-five dollars in cash from any given contributor.

Section 7. 1. A participating candidate's personal funds contributed as seed money contributions shall not exceed an aggregate amount of five hundred dollars for a state representative election, one thousand dollars for a senate election, and five thousand dollars for an election for statewide office.

2. No personal funds shall be expended by a qualifying candidate after the close of the public financing qualifying period.

3. Personal funds shall not be used to meet the qualifying contribution requirement, except that each registered voter may make one five-dollar contribution.

Section 8. 1. A participating candidate may accept seed money contributions from any individual, business, association or other organization prior to the end of the public financing qualifying period, so long as the total contributions from one contributor, except personal funds otherwise permitted pursuant to sections 1 to 21 of this act, do not exceed one hundred dollars, and the aggregate contributions, including personal funds, do not exceed one thousand dollars for a state representative race, two thousand dollars for a state senate race, five thousand dollars for a statewide race other than governor, and ten thousand dollars for a race for governor.

2. Seed money shall only be spent during the exploratory period and the public financing qualifying period.

3. Full disclosure of seed money contributions as well as expenditures shall be made to the commission in the

manner and at the times provided for reporting of other contributions in section 6 of this act.

4. In the event that excess qualifying contributions are received on an aggregate basis, such amounts may be retained and spent, with such amounts to be deducted from the candidate's public financing. In no event shall the total amount of qualifying contributions exceed the public financing to which the candidate would be entitled.

5. Any seed money and qualifying contributions received by a participating candidate and not spent by the start of the primary period shall be deposited to the credit of the democracy trust fund created pursuant to section 14 of this act at the beginning of the primary period.

Section 9. 1. To apply for public financing, a candidate shall certify to the commission that:

(1) Such candidate has complied and will comply, throughout the applicable election cycle, with all requirements of sections 1 to 21 of this act;

(2) All disclosures required as of the time of application have been made;

(3) The requisite number of qualifying contributions pursuant to section 2 or 4 of this act have been obtained, including evidence of such contributions.

2. The candidate's application for certification shall be signed by the candidate and the candidate's treasurer. Eligibility may be revoked if the candidate violates the requirements of sections 1 to 21 of this act, in which case all public funds shall be repaid.

3. The commission's determination shall be subject to prompt judicial review, on an expedited basis, in any district of the court of appeals of this state.

4. A participating candidate for the primary election shall receive his or her line of credit and fair election credit card pursuant to sections 1 to 21 of this act promptly after demonstrating eligibility and, in any event, not later than five days after the date of the end of the public financing qualifying period; however, funds shall not be spent until the beginning of the primary election campaign period.

5. A participating candidate for a general election shall receive his or her line of credit and fair election credit card promptly after demonstrating eligibility and, in any event, not later than five days after the date the results of the primary election are certified, except that no candidate for a particular office shall receive funds until all candidates for the office who have requested certification have either been certified or denied certification by the commission.

Section 10. 1. A candidate who qualifies for public financing in the primary or general election shall receive a line of credit for each election, the amount of which is specified in sections 1 to 21 of this act. Such line of credit may be used to finance any and all proper campaign expenditures during the primary and general election periods, to further the election of the candidate in that particular election. The line of credit shall not be used to repay any loan, and shall not be used in violation of sections 1 to 21 of this act or any other applicable law.

2. The primary election campaign public financing amounts for full public financing shall be:

(1) For a state representative candidate, fifteen thousand dollars;

(2) For a state senate candidate, fifty thousand dollars;

(3) For a candidate for statewide office other than governor, five hundred thousand dollars;

(4) For a candidate for governor, one million dollars.

3. The general election campaign public financing amounts for full public financing shall be:

(1) For a state representative candidate, fifteen thousand dollars;

(2) For a state senate candidate, fifty thousand dollars;

(3) For a candidate for statewide office other than governor, five hundred thousand dollars;

(4) For a candidate for governor, one million dollars.

4. If a participating candidate or that candidate's party received at least fifteen percent of all votes for that office in the primary or previous general election, the candidate shall receive the full amount of public funding for that office. If a participating candidate or that candidate's party received less than fifteen percent of all votes for that office in the primary and the previous general election, such candidate shall receive a portion of the public funding amount that is equal to the percentage of votes out of such fifteen percent that such candidate's party received for that office in the previous general election. A candidate who has attempted to qualify for public financing in the primary election and whose party received less than five percent of the vote in the primary election shall not qualify for any public financing in the general election.

5. A participating candidate running in a primary election where there is no other candidate in any primary for that office, and no opposing independent candidate who has filed to run or raised or spent more than one thousand dollars to seek that office, shall receive twenty-five percent of the public financing benefit.



6. A participating candidate running in a general election in which there are no other competing candidates shall receive twenty-five percent of the public financing benefit.

7. Every two years, the commission shall modify the public financing amounts provided for in this section based on the corresponding change in the Consumer Price Index published by the United States Department of Labor.

Section 11. 1. In addition to other reports required by sections 1 to 21 of this act, in an election year a nonparticipating candidate shall file a report with the commission detailing that candidate's total of funds raised, spent or obligated to be spent to date if that candidate's total receipts, expenditures or obligations of expenditure exceed the primary or general election campaign finance amount applicable to a participating candidate in the same race by an amount equal to:

- (1) Five hundred dollars, in the case of a candidate for state representative;
- (2) Two thousand five hundred dollars, in the case of a candidate for state senator;
- (3) Twenty-five thousand dollars, in the case of a candidate for statewide office.

2. Such a report shall be filed by the candidate:

- (1) At the next regular reporting date pursuant to sections 1 to 21 of this act, if funds which cause the candidate to exceed such an amount are received, spent or obligated to be spent before the fifteenth day of July of an election year;
- (2) Within forty-eight hours, if such funds are raised, spent or obligated to be spent between the fifteenth day of July of an election year and the day seven business days prior to the primary election, or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or
- (3) Within twenty-four hours, if such funds are raised, spent or obligated to be spent within the period seven business days prior to either the primary or general election.

3. A candidate who has been required to file a report pursuant to subsections 1 and 2 of this section shall file an additional report detailing all funds raised, spent or obligated to be spent since that candidate's most recent previous report for each instance in which that candidate raises, spends or obligates to be spent:

- (1) Five hundred dollars, in the case of a candidate for state representative;
- (2) Two thousand five hundred dollars, in the case of a candidate for state senator;
- (3) Twenty-five thousand dollars, in the case of a candidate for statewide office.

4. Additional reports required by subsection 3 of this section shall be filed by the candidate:

- (1) At the next regular reporting date pursuant to sections 1 to 21 of this act, if funds which cause the candidate to be required to file such a report are received, spent or obligated to be spent before the fifteenth day of July of an election year;
- (2) Within forty-eight hours, if such funds are raised, spent or obligated to be spent between the fifteenth day of July of an election year and the day seven business days prior to the primary election, or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or
- (3) Within twenty-four hours, if such funds are raised, spent or obligated to be spent within the period seven business days prior to either the primary or general election.

5. Upon receipt of a report required by subsections 1 to 5 of this section, the commission shall immediately credit an opposing participating candidate's account with an additional amount equivalent to the reported amount in excess of the public financing amount applicable to the office sought. Such matching credit shall be limited to three times the public financing limit for the applicable office, and such credit shall be in addition to the base amount of public funding otherwise provided.

6. The total amount of matching credit awarded to a candidate pursuant to this section and section 12 of this act shall be limited to an amount equaling three times the public financing limit for the applicable office.

7. At the end of both the primary and general election campaign periods, excess public funds shall be returned to the democracy trust fund created pursuant to section 14 of this act, provided that a candidate may retain and use for campaign expenses an amount equal to five dollars multiplied by the number of qualifying contributions necessary to qualify for the office for which he or she was a candidate. Any funds which are retained in this manner, and remain unexpended, shall be returned to the democracy trust fund at the beginning of the next public funding qualifying period.

Section 12. 1. If anyone makes, or becomes obligated to make, by oral or written agreement, an independent expenditure in excess of five hundred dollars in a state representative race, two thousand five hundred dollars in a state senate race, or twenty-five thousand dollars in a statewide office race, such person or entity shall file with the commission a notice of such expenditure or obligations to make such expenditure. Reports of such expenditures or obligations to make such expenditures shall be made:

(1) At the next regular reporting date for candidates pursuant to sections 1 to 21 of this act, if such an expenditure or obligation of expenditure is made before the fifteenth day of July of an election year;

(2) Within forty-eight hours, if such an expenditure or obligation of expenditure is made between the fifteenth day of July of an election year and the day seven business days prior to the primary election or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or

(3) Within twenty-four hours, if such an expenditure or obligation of expenditure is made within the period seven business days prior to either the primary or general election.

2. An additional report shall be filed after each additional independent expenditure of five hundred dollars in a state representative race, two thousand five hundred dollars in a state senate race or twenty-five thousand dollars in a statewide office race. Such an additional report shall be made:

(1) At the next regular reporting date for candidates pursuant to sections 1 to 21 of this act, if such an expenditure or obligation of expenditure is made before the fifteenth day of July of an election year;

(2) Within forty-eight hours, if such an expenditure or obligation of expenditure is made between the fifteenth day of July of an election year and the day seven business days prior to the primary election or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or

(3) Within twenty-four hours, if such an expenditure or obligation of expenditure is made within the period seven business days prior to either the primary or general election.

3. When the aggregate independent expenditures against a participating candidate or for the opponents of that same candidate exceed twenty percent of the public financing amount for that office in that election cycle, the commission shall immediately credit that candidate's account with an additional line of credit equal to the total independent expenditures made against that candidate or for that candidate's opponents, except that:

(1) Such matching credits shall be capped at three times the public financing amount per candidate, which shall be in addition to the base amount of public funding otherwise provided; and

(2) In the event that the aggregate funds raised by all other candidates for the office in question do not equal the public financing amount for that office, the funds credited to the candidate receiving a matching amount pursuant to this section shall be reduced by an amount equal to such public funding amount minus the aggregate of funds raised by those other candidates.

Section 13. 1. Notwithstanding the provisions of chapter 130, RSMo, to the contrary, contributions and expenditures made by political parties shall be reported to the commission on a quarterly basis, provided that, after the first day of January of an election year, such contributions and expenditures shall be reported on the same basis as a candidate. Reports by parties and all other campaign finance reports required by chapter 130, RSMo, shall be submitted on computer disk as directed by the commission.

2. No person, committee, organization or other entity shall contribute on an aggregate basis, including dues, fees or other charges, more than five thousand dollars per year to any state or local political party or any of its subdivisions.

3. No participating candidate shall accept more than the equivalent of five percent of the public financing amount for that office from all political parties.

4. For purposes of this section and section 12 of this act, in-kind contributions by a ward, township, city, county or state political party committee made on behalf of a group of the party's candidates shall not be considered an improper party contribution or count against the five percent limit established in subsection 3 of this section, if such group includes at least thirty percent of the candidates whose names will appear on the primary election ballot, or at least fifty percent of the candidates whose names will appear on the general election ballot in the political subdivision represented by the party committee making such in-kind contribution.

5. Party contributions reports shall comply with candidate requirements in subsections 2 and 3 of section 6 of this act.

Section 14. 1. There is hereby created in the state treasury a special trust fund to be known as the "Democracy Trust Fund", which shall be subject to annual appropriation by the general assembly.

2. The democracy trust fund shall be used to provide the public financing benefits provided for in sections 1 to 21 of this act, and for the costs of administering the provisions of sections 1 to 21 of this act. No expenditure shall be made from the democracy trust fund for any purpose other than that authorized by sections 1 to 21 of this act.

3. Notwithstanding the provisions of section 33.080, RSMo, all unexpended balances remaining in the democracy trust fund at the end of the biennium shall remain in such fund and shall not be transferred and placed to the credit of general revenue.

4. During each election cycle, the commission shall allocate the funds contained in the democracy trust fund among two subfunds to be established for the following purposes:

(1) Subfund one shall fund the public funding amounts provided for in section 10 of this act; and



(2) Subfund two shall fund the additional matching credits provided for in sections 11 and 12 of this act.

5. The commission shall report to the speaker of the house of representatives, no later than the first day of April of each election year, on its estimate for the needs of the democracy trust fund in the coming election. Such report shall include an estimate of total funds needed for the democracy trust fund in order to fully fund participating candidates for the coming elections, the current balance of funds available to the fund and a request for appropriation to the fund in an amount which the commission estimates will render its funding adequate for the coming elections.

6. Notwithstanding any other provision of law to the contrary, in the event that, at any time, the funds contained within the democracy trust fund are insufficient to fund the full amounts of public funding provided for in sections 1 to 21 of this act, the commission shall proportionately reduce the levels of funding provided to participating candidates.

Section 15. 1. The democracy trust fund shall be administered by the state treasurer. The state treasurer may place public funds in one or more accounts with a central banking facility and may contract for the disbursement of funds to eligible candidates with a private credit card company.

2. Upon a determination of a candidate's eligibility for public financing pursuant to sections 1 to 21 of this act, the state treasurer shall issue to the eligible candidate a credit card, known as the fair election credit card, entitling the candidate and designated members of the candidate's staff to draw money from a commission account to pay all campaign costs and expenses.

3. Neither a participating candidate nor any other person on behalf of a participating candidate shall pay campaign costs by cash, check, money order, loan, or by any other financial means except through the use of the fair election credit card, except that cash amounts of one hundred dollars or less may be drawn on the fair election credit card and used to pay expenses of no more than twenty-five dollars each. Records of all such expenditures shall be maintained and reported to the commission.

Section 16. 1. Except where sections 1 to 21 of this act specifically provide otherwise, the duties of and authority for administering and enforcing sections 1 to 21 of this act shall be vested in the commission.

2. In administering and enforcing sections 1 to 21 of this act, the commission shall have the duties and powers accorded to it pursuant to section 105.955, RSMo.

3. In furtherance of the commission's administration and enforcement of sections 1 to 21 of this act, the administrative secretary of the commission shall have and exercise the duties and powers prescribed by section 130.056, RSMo.

Section 17. 1. If a participating candidate spends more than the public funds allocated to the candidate for the election in question, the candidate shall be subject to a civil fine of up to ten times the amount by which the expenditures exceeded the applicable limit.

2. Any candidate who accepts contributions in excess of the limits imposed by sections 1 to 21 of this act, or the limits imposed by any other applicable law, shall be subject to a civil fine of up to ten times the amount by which the contribution exceeded the applicable limit.

3. If the commission finds that there is reason to believe that excess expenditures have been made or excess contributions accepted in violation of the provisions of subsection 1 or 2 of this section, the commission shall attempt, for a period of not more than fourteen days after finding such violation, to correct the matter by informal methods of conference and conciliation and to enter a conciliation agreement with the person involved. A conciliation agreement made pursuant to this section shall be a matter of public record. Unless violated, a conciliation agreement shall be a bar to any civil proceeding pursuant to subsection 4 of this section.

4. If, within the time prescribed in subsection 3 of this section, the commission is unable to correct by informal methods any matter which constitutes probable cause to believe that excess expenditures have been made or excess contributions accepted in violation of subsection 1 or 2 of this section, the commission shall make a public finding of probable cause in the matter. After making a public finding, the commission shall bring an action in the circuit court of Cole County or, in the case of a legislative candidate, the circuit court of the county in which the candidate resides, to impose a civil fine as prescribed by the commission pursuant to subsection 1 or 2 of this section.

5. In the event that a registered voter believes that a candidate has violated the provisions of sections 1 to 21 of this act and such registered voter is entitled to vote for or against such candidate in the election at issue, such registered voter may file a complaint with the commission requesting it to take remedial action. If, within thirty days after the date of the filing of such a complaint, the commission has refused or failed to take remedial action, such registered voter may pursue a civil action in the appropriate circuit court to impose the civil fines prescribed in subsection 1 or 2 of this section.

6. If the commission believes that a violation of sections 1 to 21 of this act has occurred, and deems such a recommendation appropriate, the commission may make a nonbinding recommendation to the general assembly as to disciplinary action to be taken in light of the violation, including forfeiture of office.

7. If a complaint brought pursuant to subsection 5 of this section is resolved against the complainant, the costs incurred by the other party or parties, including reasonable attorney's fees, may be assessed against the complainant.

Section 18. 1. If a candidate, or other person acting on behalf of a candidate, knowingly accepts more benefits than the candidate is entitled to receive, spends more than the amount of public campaign funds received or otherwise misuses the benefits of public financing, such person is guilty of a class D felony and may be fined not more than twenty thousand dollars, or imprisoned not more than five years, or both.

2. If a candidate receiving public financing, or other person acting on behalf of such a candidate, knowingly pays for goods or services received for campaign expenditures by cash, check, money order or any means other than the fair election credit card, except as permitted pursuant to subsection 3 of section 15 of this act, such person is guilty of a class D felony and may be fined not more than twenty thousand dollars, or imprisoned not more than five years, or both.

3. If, in connection with the receipt or expenditure of public financing for an election campaign, any person knowingly provides false information to the commission or knowingly conceals or withholds information from the commission, such person is guilty of a class D felony and may be fined up to twenty thousand dollars, or imprisoned for five years, or both.

4. All prosecutions pursuant to sections 1 to 21 of this act which relate to elections for state senator or state representative shall be conducted by the prosecuting attorney for the county where the violation is alleged to have occurred, except that if such prosecuting attorney refuses to act upon a sworn complaint, or fails to act upon such a complaint within sixty days of the date on which such a complaint is received, the attorney general may then conduct the prosecution pursuant to this section. All prosecutions pursuant to sections 1 to 21 of this act which relate to elections for other offices shall be conducted by the attorney general, except that, if a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor to conduct the prosecution on behalf of the state. The special prosecutor shall be independent of the attorney general and need not be a state employee at the time of appointment.

Section 19. 1. Any state officeholder who is a candidate for an office covered by the provisions of sections 1 to 21 of this act and who uses state funds to do a mass mailing after the first day of June in an election year shall declare his or her intent to do so by the first day of May of such year. Any such mailing shall be completed by the first day of July of such year.

2. Any participating candidate for the same office who is of the same political party as the candidate sending out such a mailing shall be entitled to receive additional credit equal to the cost of state expenditures for such mailing. A participating candidate shall make application for such a credit to the commission by the fifteenth day of May of that year.

3. Additional credit awarded to a participating candidate pursuant to this section shall be used to fund a mailing which:

(a) Does not explicitly call upon the recipient of the mailing to vote for the participating candidate; and

(b) Does not mention the participating candidate's opponent or opponents by name.

4. All mailings funded by additional credits awarded pursuant to this section shall be reviewed and approved by the commission for compliance with the requirements of this section in advance of the mailing, and shall be completed by the first day of August of such year.

Section 20. A candidate who is a nonparticipating candidate, either by choice or failure to qualify, is allowed to raise unlimited amounts of money from private sources, except as otherwise provided by law.

Section 21. 1. Commission actions may be reviewed by any district of the court of appeals of this state. Petitions for review shall be filed within thirty days after final commission action.

2. Sections 1 to 21 of this act shall apply, following its passage and approval by the voters of this state, to state elections after November 8, 2000, for the offices of governor, lieutenant governor, attorney general, secretary of state, treasurer, auditor, state representative and state senator.

3. Sections 1 to 21 of this act shall apply to all special elections and runoff elections following its passage and approval by the voters of this state, with governing time periods and deadlines regarding such special and runoff elections to be prescribed by the commission."

Representative Seigfreid raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Froelker offered **House Amendment No. 1** to **House Amendment No. 4**.

*House Amendment No. 1*

to

*House Amendment No. 4*

AMEND House Amendment No. 4 for House Committee Substitute for House Bill No. 676, Page 25, Section 14, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following:

**"Fund", which shall be funded by a three dollar check off box on the state income tax form."**

Representative Froelker moved that **House Amendment No. 1 to House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bonner Champion Chrismer Cierpiot  
Cooper Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Gross Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Holand Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Long Loudon Luetkemeyer Luetkenhaus  
Marble McClelland Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Richardson  
Ridgeway Robirds Ross Sallee Schwab  
Scott Shields Summers Surface Townley  
Vogel Wright

NOES: 079

Abel Auer Backer Barry 100 Berkowitz  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Daniel 42 Daniels 41  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Franklin Fraser Gambaro  
George Graham 24 Gratz Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Liese May 108 Mays 50 McBride McKenna



McLuckie Merideth Monaco Murray O'Connor  
O'Toole Overschmidt Parker Ransdall Relford  
Rizzo Scheve Schilling Seigfreid Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Burton Ford Green Hohulin Linton  
Lograsso Reynolds Secrest Treadway Troupe  
Tudor

VACANCIES: 001

**HCS HB 676, as amended, with HA 4, pending,** was laid over.

#### COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 686, HCS HB 889** and **HB 261**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

**HR 366** - Rules, Joint Rules and Bills Perfected and Printed

#### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS HB 889** - Fiscal Review (Fiscal Note)

**HB 987** - Local Government and Related Matters

**HB 995** - Critical Issues

#### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SB 276** - Critical Issues

**SB 294** - Transportation

#### COMMITTEE REPORTS



**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 952**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **SB 291**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 456**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 689** and **HB 510**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 452**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 548**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1027**, introduced by Representative Reid, relating to instruction of phonics.

**HB 1028**, introduced by Representatives Foley, Harlan, Murray, Gaw, Fraser, Berkowitz and Bray, et al, relating to restitution to victims of the Nazi holocaust.

**HB 1029**, introduced by Representative Barry, relating to basic breathing screening.

**HB 1030**, introduced by Representatives Tudor, Ridgeway, Lograsso and Hoppe, relating to victim's rights.

**HB 1031**, introduced by Representative Hollingsworth, relating to state aide to community colleges.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 14**, entitled:

Senate Concurrent Resolution No. 14

WHEREAS, in late November, 1998, Missouri accepted the 206 billion dollar settlement agreement negotiated between 46 states and the tobacco industry;

WHEREAS, the states' attorneys general crafted the settlement agreement to protect states' interests, consistent with the lawsuits filed on behalf of the states;

WHEREAS, the settlement agreement reflects difficult policy decisions and years of effort among the states which bore the

risk and expense of litigating their claims against a strong tobacco industry;

WHEREAS, the federal government neither participated in nor assisted with the litigation and negotiation of the states' claims, yet now seeks to seize a substantial portion of the resulting payments due to the states;

WHEREAS, the federal government bases its claim on federal right to recoupment for medicaid expenses, a claim which was not promoted by the federal government in any litigation prior to the settlement of the states' claims;

WHEREAS, by the terms of the settlement agreement, Missouri would receive approximately 6.7 billion dollars by 2025, yet faces an estimated potential loss of 3.9 billion dollars of this amount to the federal government;

WHEREAS, Missouri rightfully should determine the best use of the settlement proceeds achieved through state effort, using state resources and motivated by state concerns;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that the President of the United States and the members of Missouri's Congressional delegation recognize the effort and resources expended by Missouri to promote and protect its interests throughout the litigation and negotiation of claims against the tobacco industry;

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests that the President of the United States and the members of Missouri's Congressional delegation protect the proceeds negotiated by Missouri in settlement of its claims by refusing to divert, seize or recoup any portion of the settlement proceeds for federal purposes; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to Bill Clinton, President of the United States, and to each member of Missouri's Congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 142**, entitled:

An act to repeal sections 476.681 and 476.682, RSMo 1994, relating to the retirement of judges, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 148**, entitled:

An act to repeal section 174.500, RSMo 1994, relating to the West Plains Campus of Southeast Missouri State University, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 201**, entitled:

An act to repeal section 91.030, RSMo 1994, relating to municipal owned utilities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 207**, entitled:

An act to repeal section 195.509, RSMo 1994, relating to public safety, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SB 348**, entitled:

An act to repeal section 92.031, RSMo 1994, relating to debt service taxation in charter cities with a population of no less than three hundred thousand and no more than seven hundred thousand residents, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 391**, entitled:

An act to repeal section 311.190, RSMo 1994, relating to wine manufacturers license, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 396**, entitled:

An act to repeal section 320.230, RSMo 1994, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 436**, entitled:

An act to repeal section 190.044, RSMo Supp. 1998, relating to ambulance service, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 460**, entitled:

An act to repeal sections 33.103, 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.435 and 166.455, RSMo Supp. 1998, relating to Missouri higher education savings program, and to enact in lieu thereof nine new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 353**, entitled:

An act to repeal section 260.475 and 260.479, RSMo 1994, relating to fees on hazardous waste, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 196**, entitled:

An act to repeal section 86.450 and 86.457, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 197**, entitled:

An act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.447, 86.620 and 86.672, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof nine new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, March 11, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-sixth Day, Tuesday, March 9, 1999, pages 676 and 677, roll call, by showing Representative Champion voting "present" rather than "absent with leave".

Pages 676 and 677, roll call, by showing Representatives Berkstresser, Hickey, Howerton, Kelly (27), Kelley (47), Kissell, Naeger and Parker voting "aye" rather than "absent with leave".

Pages 691, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 693, roll call, by showing Representative Wright voting "aye" rather than "absent with leave".

Page 693, roll call, by showing Representative Hilgemann voting "no" rather than "absent with leave".

Pages 696 and 697, roll call, by showing Representatives Bonner, Kelley (47) and Reynolds voting "no" rather than "absent with leave".

Pages 696 and 697, roll call, by showing Representative Wright voting "aye" rather than "absent with leave".

Pages 697 and 698, roll call, by showing Representatives Bonner, Kelley (47) and Wright voting "aye" rather than "absent with leave".

Pages 697 and 698, roll call, by showing Representatives Luetkenhaus and Reynolds voting "no" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, March 24, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow.

To be considered - HB 901, HB 936

##### **BUDGET**

Thursday, March 11, 1999, 8:30 am. Hearing Room 6. Executive session on proposed FY 2000 budget. HB 2 through HB 12.



## BUDGET

Thursday, March 11, 1999. Hearing Room 6 upon morning adjournment.

Executive session on proposed FY 2000 budget. HB 2 through HB 12.

## CONSUMER PROTECTION AND HOUSING

Tuesday, March 23, 1999, 7:30 pm. Hearing Room 7.

To be considered - Executive Session - HB 192

## EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 23, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 33, HB 833, HB 928, Executive Session - HB 378,

Executive Session - HB 730, Executive Session - HB 744

## ENVIRONMENT AND ENERGY

Thursday, March 11, 1999, 8:30 am. Hearing Room 9. Executive session to follow.

To be considered - HB 929

## FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, March 22, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 169, SB 188

## FISCAL REVIEW

Thursday, March 11, 1999, 9:45 am. Hearing Room 8. Executive session. AMENDED NOTICE.

To be considered - HB 246, HB 490, HJR 4, HJR 21

## GOVERNMENTAL ORGANIZATION AND REVIEW

Thursday, March 11, 1999, 9:30 am. Side gallery.

To be considered - Executive Session - HB 868

## INSURANCE

Thursday, March 11, 1999, 9:30 am. Side gallery. Executive session.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, March 11, 1999, 9:55 am. Bingham Gallery. Executive session

Dept. of Health, Office of the Director. 19 CSR 10-5.010

## JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 11, 1999, 8:00 am. Hearing Rooms 1 and 2. Contested fiscal notes.

To be considered - HB 199, HB 251, HB 846, SB 339

## JUDICIARY

Thursday, March 11, 1999, 9:00 am. Hearing Room 5.

To be considered - Executive Session - HB 302, Executive Session - HB 535

## MISCELLANEOUS BILLS AND RESOLUTIONS

Thursday, March 11, 1999, 9:45 am. Side gallery.

To be considered - Executive Session - HB 415, Executive Session - HB 879,  
Executive Session - HCR 21, Executive Session - HJR 16

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, March 11, 1999. Side gallery immediately upon adjournment.

To be considered - Executive Session - HB 727, Executive Session - HB 772

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, March 23, 1999, 8:30 am. Hearing Room 5. Possible executive session may follow.

To be considered - HB 475, HB 673, HB 953, HB 955

#### RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Thursday, March 11, 1999, 9:00 am. Hearing Room 7. Executive session.

To be considered - HB 446

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, March 11, 1999, 9:45 am. Side gallery.

To be considered - HB 899, Executive Session - HB 761

#### TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, March 22, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 808, HB 965, SB 184, SB 240

#### URBAN AFFAIRS

Tuesday, March 23, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session to follow.

To be considered - SB 4

### HOUSE CALENDAR

THIRTY-EIGHTH DAY, THURSDAY, MARCH 11, 1999

#### HOUSE BILLS FOR SECOND READING

HB 1027 through HB 1031

#### HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HB 1 - Franklin

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 676, as amended, HA 4, pending, - Days

- 2 HCS HB 389 - Hoppe
- 3 HCS HB 818 - Days
- 4 HB 753 - Rizzo
- 5 HCS HB 852 - Hosmer
- 6 HCS HB 850 & 851 - Hosmer
- 7 HCS HB 826 - Harlan
- 8 HB 401 - Barry
- 9 HCS HB 793 - Treadway
- 10 HCS HB 701 - Rizzo
- 11 HCS HB 603, 722 & 783 - Wiggins
- 12 HCS HB 822 - Liese
- 13 HCS HB 718, 225, 876 & 838 - Harlan
- 14 HB 115 - Kreider
- 15 HCS HB 441 - Riback Wilson
- 16 HCS HB 256 - George
- 17 HB 700 - Mays (50)
- 18 HCS HB 736, 515 & 508 - Hagan-Harrell
- 19 HCS HB 460 - O'Toole
- 20 HCS HB 911 - Clayton

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 2 HCS HB 166 - McLuckie
- 3 HB 492 - Hosmer

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

- HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 4, 1999)

- 1 HB 741 - Monaco
- 2 HB 920 - Farnen
- 3 HB 834 - Crump
- 4 HB 352 - Foley
- 5 HB 791 - Wagner
- 6 HB 402 - Relford
- 7 HB 721 - Barry
- 8 HB 779 - Skaggs
- 9 HB 795 - Kennedy

- 10 HB 853 - Seigfreid
- 11 HB 796 - Smith
- 12 HB 778 - Luetkenhaus
- 13 HB 776 - McBride
- 14 HB 476 - Hegeman
- 15 HB 800 - Linton

(March 8, 1999)

- 16 HB 895 - Crump
- 17 HB 792 - Kissell
- 18 HB 500 - Koller
- 19 HB 930 - Ward
- 20 HB 328 - Parker
- 21 HB 915 - Mays (50)
- 22 HB 327 - Parker
- 23 HB 268 - Crawford

(March 9, 1999)

- 24 HB 499 - Hartzler (123)
- 25 HB 789 - Berkstresser
- 26 HB 426 - Ridgeway
- 27 HB 550 - Howerton

(March 10, 1999)

- 28 HB 548 - Kennedy

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (3-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 490, (Fiscal Review 3-3-99) - Hollingsworth
- 2 HS HCS HB 246 & 405, (Fiscal Review 3-8-99) - Bray
- 3 HCS HB 889, (Fiscal Review 3-10-99) - Fitzwater
- 4 HB 261 - Auer
- 5 HS HCS HB 686 - Murray

#### **SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 14

#### **SENATE BILLS FOR SECOND READING**

- 1 SB 142
- 2 SB 148



3 SB 196

4 SB 197

5 SB 201

6 SB 207

7 SB 348

8 SB 353

9 SCS SB 391

10 SCS SB 396

11 SCS SB 436

12 SB 460

**BILL IN CONFERENCE**

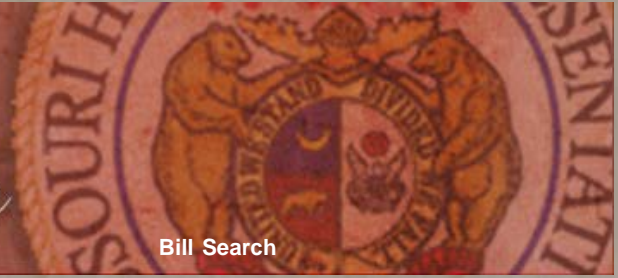
CCR SCS HCS HB 14 - Franklin



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-EIGHTH DAY, Thursday, March 11, 1999

Speaker Gaw in the Chair.

Prayer by Representative Tim Green.

Dear God, please help this legislative body in the State of Missouri learn that patience is a blending of moral courage and perseverance.

Dear Lord, help us always to aim for the truth, for truth is fairness for everyone.

Dear Heavenly Father, always help us to remember that an error gracefully acknowledged is a victory won.

May God sleep on your pillow, may the road rise to meet you, may the wind be always at your back, may the sun shine warm upon your face, the rain falls soft upon your fields. Until we meet again, may God hold you in the palm of His Hand.

And may we all have a safe and enjoyable Spring break with our families.

Let us pray for Ryan McKenna's mother, Kathy, and our colleague Ralph Monaco who will be having surgery next week, and Milt Svetanics who suffered a heart attack last night and is in the hospital.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Stacy Ederle, Carrie Causino, Brian Ziegler, Mark Finegar and Lauren Lang.

The Journal of the thirty-seventh day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 409 and House Resolution No. 410 - Representatives Tudor and Hoppe

House Resolution No. 411 - Representative Luetkemeyer

House Resolution No. 412 - Representative O'Toole

House Resolution No. 413 and House Resolution No. 414 - Representative Abel

House Resolution No. 415 and House Resolution No. 416 - Representative Foster

House Resolution No. 417 - Representatives Ostmann, Dolan, Bennett, Gross, Kissell, Chrismer and Luetkenhaus

House Resolution No. 418 - Representative Robirds

House Resolution No. 419 - Representatives Riback Wilson and Harlan

House Resolution No. 420 - Representative Hohulin

House Resolution No. 421 - Representative Graham (106)

House Resolution No. 422 - Representative King

House Resolution No. 423 - Representatives Vogel and Gratz

#### **SECOND READING OF HOUSE BILLS**

**HB 1027** through **HB 1031** were read the second time.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 14** was read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 142, SB 148, SB 196, SB 197, SB 201, SB 207, SB 348, SB 353, SCS SB 391, SCS SB 396, SCS SB 436** and **SB 460** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HBs 246 & 405 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 490 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **CONFERENCE COMMITTEE REPORT**

##### **ON**

##### **HOUSE BILL NO. 14**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill 14.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Richard Franklin /s/ Wayne Goode

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Charles Quincy Troupe /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Charlie Shields /s/ Morris Westfall

## BILL IN CONFERENCE

**CCR SCS HCS HB 14**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **CCR SCS HCS HB 14** was adopted by the following vote:

AYES: 152

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson



Wright Mr. Speaker

NOES: 006

Akin Blunt Hohulin Murphy Patek

Purgason

PRESENT: 000

ABSENT WITH LEAVE: 004

Legan Monaco Pryor Troupe

VACANCIES: 001

On motion of Representative Franklin, **CCS SCS HCS HB 14** was read the third time and passed by the following vote:

AYES: 153

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Daniels 41

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 006

Akin Blunt Hohulin Murphy Pryor  
Purgason

PRESENT: 000

ABSENT WITH LEAVE: 003

Bartelsmeyer Monaco Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Ladd Stokan moved that motion lay on the table.

The latter motion prevailed.

#### **SIGNING OF SENATE BILL**

All other business of the House was suspended while **SCS SB 225** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

#### **THIRD READING OF HOUSE BILLS**

**HCS HB 490**, relating to family care safety act, was taken up by Representative Hollingsworth.

On motion of Representative Hollingsworth, **HCS HB 490** was read the third time and passed by the following vote:

AYES: 119

Abel Auer Backer Barnett Barry 100  
Bartle Berkowitz Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Burton

Campbell Carter Chrismer Clayton Cooper  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dolan Dougherty Farnen Fitzwater  
Foley Ford Franklin Fraser Froelker  
Gambaro George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hegeman  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Liese Luetkemeyer Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Murray Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pryor Ransdall Reid Relford Reynolds  
Richardson Rizzo Robirds Ross Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Surface  
Thompson 37 Thompson 72 Treadway Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 040

Akin Alter Ballard Bartelsmeyer Bennett  
Berkstresser Boatright Cierpiot Crawford Elliott  
Enz Evans Foster Gaskill Hartzler 123  
Hartzler 124 Hendrickson Hohulin Howerton Kelley 47  
King Legan Levin Linton Lograsso  
Long Loudon Marble Miller Murphy  
Myers Pouche Purgason Reinhart Ridgeway  
Sallee Scott Stokan Summers Townley

PRESENT: 000

ABSENT WITH LEAVE: 003

Champion Monaco Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Boykins, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HBs 246 & 405**, relating to housing rehabilitation tax credits, was taken up by Representative Bray.

On motion of Representative Bray, **HS HCS HBs 246 & 405** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Linton Long Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Scott

Secrest Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Treadway Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159



Wilson Wright Mr. Speaker

NOES: 004

Luetkemeyer Patek Seigfreid Townley

PRESENT: 000

ABSENT WITH LEAVE: 005

Liese Lograsso Monaco Sallee Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

**HB 261**, relating to transportation sales taxation, was taken up by Representative Auer.

On motion of Representative Auer, **HB 261** was read the third time and passed by the following vote:

AYES: 098

Abel Auer Backer Barry 100 Berkowitz

Black Bonner Boucher Boykins Bray 84

Britt Campbell Carter Clayton Crump

Daniel 42 Daniels 41 Davis 122 Davis 63 Days

Dolan Dougherty Farnen Fitzwater Foley

Ford Franklin Fraser Froelker Gambaro

George Graham 106 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Murray Myers O'Connor

O'Toole Ostmann Overschmidt Parker Ransdall

Relford Reynolds Richardson Rizzo Ross

Scheve Schilling Selby Skaggs Smith

Stokan Thompson 37 Thompson 72 Treadway Tudor

Van Zandt Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 061

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Blunt Boatright

Burton Champion Chrismer Cierpiot Cooper

Crawford Elliott Enz Evans Foster

Gaskill Gibbons Gross Hanaway Hartzler 124

Hegeman Hendrickson Hohulin Howerton King

Klindt Levin Linton Lograsso Loudon

Luetkemeyer Marble Miller Murphy Naeger

Nordwald Patek Pouche Pryor Purgason

Reid Reinhart Ridgeway Robirds Sallee

Schwab Scott Secrest Seigfreid Shelton

Shields Summers Surface Townley Vogel

Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Graham 24 Monaco Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Williams (159), title to the bill was agreed to.

Representative Wagner moved that the vote by which the bill passed be reconsidered.

Representative Thompson (37) moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 676, as amended, with HA 4, pending,** relating to elections, was taken up by Representative Days.

Representative Dolan offered **House Amendment No. 2 to House Amendment No. 4.**

*House Amendment No. 2*

to

*House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 676, Page 25, Section 14, Lines 1-2, by deleting all of said lines and inserting in lieu thereof the following:

**"treasury a special trust fund to be known as the "Temporary Assistance to Needy Politicians Fund," to be known as TANF, which shall be subject to annual appropriation by the"**

Representative Dolan moved that **House Amendment No. 2 to House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bonner Burton Cierpiot Crawford  
Dolan Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Gratz  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Holand Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble Miller Myers Naeger  
Nordwald Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Robirds Sallee  
Schwab Scott Secrest Shields Summers  
Surface Tudor Vogel Wright

NOES: 083

Abel Auer Backer Barry 100 Berkowitz  
Boucher Boykins Bray 84 Britt Campbell  
Carter Champion Clayton Cooper Crump  
Daniel 42 Daniels 41 Davis 122 Davis 63 Days  
Dougherty Farnen Fitzwater Foley Ford  
Franklin Fraser Gambaro George Graham 24  
Green Gunn Hagan-Harrell Hampton Harlan  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Leake Liese May 108 Mays 50  
McBride McClelland McKenna Merideth Murphy  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Rizzo Ross

Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 72 Townley  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Chrismer Lawson Luetkenhaus McLuckie Monaco  
Ostmann Ridgeway Thompson 37 Treadway Troupe

VACANCIES: 001

Representative Reid offered **House Substitute Amendment No. 1 for House Amendment No. 4.**

Representative Bray raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 4** is not a true substitute amendment.

The Chair ruled the point of order well taken.

Representative Bray moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 040

Auer Berkowitz Boucher Boykins Bray 84  
Carter Clayton Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dougherty Foley Ford  
Franklin Fraser Green Harlan Hickey  
Hilgemann Hosmer Kennedy Kreider McKenna  
McLuckie Murphy Murray O'Connor Reynolds  
Schilling Selby Stokan Van Zandt Wagner  
Ward Wiggins Williams 121 Wilson Mr. Speaker

NOES: 115

Abel Alter Backer Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkstresser  
Black Blunt Boatright Bonner Britt  
Burton Campbell Champion Chrismer Cierpiot  
Cooper Crawford Crump Dolan Elliott  
Enz Evans Farnen Fitzwater Foster  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Griesheimer Gross



Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Hollingsworth Howerton Kasten Kelley 47 Kelly 27  
King Kissell Klindt Koller Lakin  
Lawson Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
Merideth Miller Myers Naeger Nordwald  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schwab  
Scott Secrest Seigfreid Shelton Shields  
Skaggs Smith Summers Surface Thompson 72  
Townley Tudor Vogel Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Akin Hoppe Leake Monaco Thompson 37  
Treadway Troupe

VACANCIES: 001

Representative Richardson offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 676, Page 16, Section 115.288, Line 6, by inserting after all of said line the following:

**"115.298. 1. The county clerk or election authority shall hire one person appointed by the chair of the two major parties in the county to go together as a team to assist and collect absentee ballots when requested.**

**2. Such persons shall be paid the federal minimum wage for their time and the county clerk shall submit a reimbursement claim to the secretary of state.**

**3. It is a class three election offense for any person to assist or collect ballots without the other members of the team.";** and

Amend the title and enacting clause accordingly.

On motion of Representative Richardson, **House Amendment No. 5** was adopted.

Representative Liese offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 676, Page 9, Section 115.155, Line 67, by inserting after all of said

line the following:

"7. The election authority shall accept as a post card application to register to vote any document in the format of the federal post card voter registration application or the state voter registration application if said document contains the original signature of the applicant. The election authority may reject said application if the election authority determines the applicant is not qualified to register to vote. The electronic data processing system established pursuant to 115.158 shall provide each election authority with the ability to electronically store and retrieve documents. The provisions of this subsection shall become effective July 1, 2000."

On motion of Representative Liese, **House Amendment No. 6** was adopted.

Representative Hartzler (124) offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 676, Page 25, Section 115.615, Line 6, by inserting before the word "second" the word "**first**"; and

Further amend said bill, Page 26, Section 115.621, Line 4 by inserting before the word "second" the word "**first**"; and

Further amend said bill, Page 26, Section 115.621, Line 15 by inserting before the word "second" the word "**first**"; and

Further amend said bill, Page 26, Section 115.621, Line 23 by inserting before the word "second" the word "**first**"; and

Further amend said bill, Page 27, Section 115.621, Line 40 by inserting before the word "second" the word "**first**".

On motion of Representative Hartzler (124), **House Amendment No. 7** was adopted.

Representative Graham (24) offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 676, Page 1, In the Title, Line 3, by inserting immediately after the number "115.437" the following: ", 115.637"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the number "115.437" the following: ", 115.637"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting immediately after the number "115.635," the number "115.637"; and

Further amend said bill, Page 28, Section 115.635, Line 37, by inserting after all of said line the following:

"115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

- (4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;
- (5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;
- (6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;
- (7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;
- (8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;
- (9) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;
- (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;
- (11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;
- (12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;
- (13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;
- (14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;
- (15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;
- (16) Interfering, or attempting to interfere, with any voter inside a polling place;
- (17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;
- (18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person[.];
- (19) In addition to the provisions of subdivision (18) of this section, posting signs with respect to any candidate or question to be voted on at an election on election day anywhere on the property of the polling place. For purposes of this subdivision, "signs" shall not include bumper stickers."**

On motion of Representative Graham (24), **House Amendment No. 8** was adopted.

Representative Wiggins offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 676, Page 1, In the title, Line 5, by inserting after the following: "115.507," the following: "115.611, 115.613,;" and

Further amend said bill, Page 1, In the title, Line 7, by deleting the word "thirty-two" and inserting in lieu thereof the word



"thirty-four"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the following: "115.507," the following: "115.611, 115.613"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-four"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting after the following: "115.507," the following: "115.611, 115.613"; and

Further amend said bill, Page 25, Section 115.507, Line 20, by inserting after all of said line the following:

"115.611. 1. Except as provided in subsection 4 of section 115.613, any registered voter of the county may have such voter's name printed on the primary ballot of such voter's party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of such candidate's party's county committee, or submit to the county election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

(1) One hundred dollars if such candidate is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;

(3) [Except as provided in subdivisions (1) and (2) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee] **Ten dollars if such candidate is a candidate for county committeeman or committeewoman in any county other than those described in subdivisions (1) and (2) of this subsection.**

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. 1. [Except as provided in subsection 4 of this section,] The qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

[4. The provisions of this subsection shall apply only in any county where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established by law, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.]".

Representative Wiggins moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Hanaway offered **House Amendment No. 10**.



*House Amendment No. 10*

AMEND House Committee Substitute for House Bill No. 676, Page 31, Section 115.785, Line 8, by adding after the end of said line the following:

Section 1. If the governor receives any resignation or notice of vacancy, or if he is satisfied of the death of any member of either house, during the recess, the governor shall, within thirty days of the date of such resignation, notice of vacancy or death, issue a writ of election to supply the vacancy.

On motion of Representative Hanaway, **House Amendment No. 10** was adopted by the following vote:

AYES: 085

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bonner Boucher Burton Champion  
Chrismer Cierpiot Cooper Crawford Dolan  
Elliott Enz Evans Foster Froelker  
Gambaro Gaskill Gibbons Graham 106 Griesheimer  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Howerton Kasten  
Kelley 47 Kennedy King Kissell Klindt  
Lakin Legan Levin Linton Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
McLuckie Merideth Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Reynolds  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Shields Stokan  
Summers Townley Tudor Vogel Wright

NOES: 071

Auer Backer Barry 100 Berkowitz Boykins  
Bray 84 Britt Campbell Carter Clayton  
Crump Daniel 42 Daniels 41 Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser George Graham 24  
Gratz Green Gunn Hagan-Harrell Hampton  
Harlan Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Koller Kreider Lawson Leake  
Liese Luetkenhaus May 108 Mays 50 McBride

McKenna Murray O'Connor O'Toole Overschmidt  
Parker Ransdall Relford Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Thompson 72 Treadway Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Abel Hickey Monaco Surface Thompson 37  
Troupe

VACANCIES: 001

Representative Akin offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for House Bill No. 676, Page 32, following 115.780, Line 13, by adding an additional section:

**Section 1. 1. Any person, firm, corporation, partnership or association or the spouse, officer, director, trustee, partner or senior management level employee of any person, firm, corporation, partnership or association who has a direct or indirect interest in any legal entity who holds a license or permit to operate a gaming or gambling enterprise shall as a condition to the issuance or renewal of such license or permit waive such person's right to make a contribution or expenditures, directly or indirectly, in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office in this state, including contributions to political action committees or to political parties. For the purposes of this subsection and subsection 2 of this section, "indirect interest" is ownership through any number of layers of legal entities when twenty-five percent or more of each legal entity is owned by the legal entity ownership above it.**

**2. It is unlawful for any person, firm, corporation, partnership or association or the spouse, officer, director, trustee, partner or senior management level employee of any person, firm, corporation, partnership or association who has a direct or indirect interest in any legal entity who holds a license or permit to operate a gaming or gambling enterprise to make a contribution or expenditure, directly or indirectly, in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office in this state, including contributions to political action committees.**

**3. It is unlawful for any candidate, political committee or other person knowingly to accept or receive any contribution prohibited by this section.**

**4. Any person, corporation or any other entity who violates the provisions of subsection 2 of this section is guilty of a class C felony and such violation shall be grounds for the revocation or denial of any license issued by the gaming commission. Any person who violates the provisions of subsection 3 of this section is guilty of a class C felony and shall pay such contributions received in violation of subsection 3 of this section over to the state to be deposited in the general revenue fund.**

**5. The provisions of this section shall not prohibit an expenditure by a candidate for his or her own campaign or a contribution, loan or transfer of funds by a candidate to his or her own political committee.**

Representative Fitzwater raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Akin moved that **House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 052

Akin Alter Ballard Bartelsmeyer Bartle  
Blunt Boatright Burton Champion Chrismer  
Crawford Elliott Enz Foster Froelker  
Gaskill Gibbons Graham 106 Gross Hanaway  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kasten Kelley 47 King Klindt  
Levin Linton Loudon Luetkemeyer Luetkenhaus  
Marble McClelland Miller Murphy Naeger  
Purgason Reid Richardson Robirds Sallee  
Schwab Scott Secrest Stokan Summers  
Townley Wright

NOES: 098

Auer Backer Barnett Barry 100 Bennett  
Berkowitz Black Bonner Boucher Boykins  
Bray 84 Britt Campbell Carter Clayton  
Cooper Crump Daniel 42 Daniels 41 Davis 122  
Davis 63 Days Dolan Dougherty Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Graham 24 Gratz  
Green Griesheimer Hagan-Harrell Hampton Harlan  
Hartzler 123 Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Lakin  
Lawson Leake Liese Lograsso Long  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Murray Myers Nordwald O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reinhart Relford Reynolds  
Ridgeway Rizzo Ross Scheve Schilling  
Seigfreid Selby Shelton Shields Skaggs  
Smith Thompson 72 Treadway Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Abel Berkstresser Cierpiot Gunn Hickey

Kreider Legan Monaco O'Connor Surface

Thompson 37 Troupe

VACANCIES: 001

Representative Howerton offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for House Bill No. 676, Page 31, Section 115.785, Line 5, by adding the following before the word "**All**" on said line: **1.**; and

further amend said section, line 8, by adding after all of said line the following:

**2. Whenever the reprinting of a statewide election ballot is necessary as a result of circumstances beyond the control of a local election authority, the costs of such reprinting shall be paid by the state.**

On motion of Representative Howerton, **House Amendment No. 12** was adopted.

Representative Parker offered **House Amendment No. 13.**

*House Amendment No. 13*

AMEND House Committee Substitute for House Bill No. 676, Page 32, Line 13, by adding after said line the following:

115.124. **1.** Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal[, ] and board of trustees of community college districts [and school board] elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

**2. Notwithstanding the provisions of section 115.453 to the contrary, in the event that the number of candidates is less than or equal to the number of vacancies on a school board so that no election would be held pursuant to subsection 1 of this section, then the deadline for filing a declaration of intent to be a write-in candidate for such school board shall be five business days after the close of filing for candidates for such school board. In the event that the number of persons filing a declaration of intent to be a write-in candidate and the number of candidates exceed the number of vacancies on such school board, an election shall be held as otherwise required by law.**

Representative Parker moved that **House Amendment No. 13** be adopted.

Which motion was defeated.

On motion of Representative Days, **HCS HB 676, as amended**, was adopted.



On motion of Representative Days, **HCS HB 676, as amended**, was ordered perfected and printed.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HCS HBs 351 & 295, with HS, as amended, pending**, relating to pharmaceutical tax credit, was taken up and placed back on the Informal Calendar.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 991** - Consumer Protection and Housing

**HB 1000** - Judiciary

**HB 1014** - Banks and Financial Institutions

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 110** - Judiciary

**SB 189** - Civil and Administrative Law

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 352, HB 796, HB 476, HB 853, HB 402, HB 779, HB 741, HB 776, HB 791, HB 778, HB 920, HB 834, HB 800, HB 795** and **HB 721**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 6**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 8**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 9**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 10**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 11**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 12**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Correctional and State Institutions**, Chairman Gratz reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HCR 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Concurrent Resolution No. 17

Relating to the annexation of a portion of Northwest Missouri State University by the city of Maryville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the portion of Northwest Missouri State University which lies north of Fourth Street, South of the former Norfolk & West Railroad, and three hundred thirty feet east of Country Club Drive is within the Maryville city limits; and

WHEREAS, Northwest Missouri State University would like to have three additional tracts of property annexed into the city limits of Maryville; and

WHEREAS, the city of Maryville would, also, like to encompass these three additional tracts of Northwest Missouri State University; and

WHEREAS, work on some planned city projects hinges on these three tracts being approved for annexation; and

WHEREAS, section 71.012, RSMo Supp. 1998, requires that all fee interest owners of property within a proposed area of annexation sign a verified petition requesting such annexation; and

WHEREAS, section 37.005, RSMo Supp. 1998, vests the fee title of this state property in the governor:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby authorize the Governor to approve the proposed annexation of three tracts of property of Northwest Missouri State University into the city of Maryville. The property is more particularly described as followed:

Tract 1

Commencing at the intersection of the West Line of Section 18, Township 64 North, Range 35 West, with the southerly right-of-way of the former Norfolk and Western Railroad Company railroad right-of-way; thence along Range Line, South to a point 132 feet North of the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 18; thence East 330 feet; thence North along a line 330 feet East and parallel to Range Line to the intersection of the southerly right-of-way of the former Norfolk and Western Railroad Company railroad right-of-way; thence westerly along said right-of-way to the point of beginning.

Tract 2

Commencing at the Northeast Corner of Section 18, Township 64 North, Range 35 West, Nodaway County, Missouri; thence South along the North/South Quarter Section Line of Section 18 to the intersection with the southerly right-of-way of the former Norfolk and Western Railroad; thence westerly along said right-of-way to the West Line of said Section 18; thence North along Range Line to a point 30 feet South of the Northwest Corner of said Section 18, said point being the southerly right-of-way of West Sixteenth Street; thence East along said right-of-way to the southerly extension of the East Line of Village "O" Estates Subdivision, a Subdivision of the Southwest Quarter of Section 7. Township 64 North, Range 35 West, Nodaway County; thence North along said extension to the intersection of the North Line of Section 18; thence East along Section Line to the Northeast Corner of said Section 18 and the point of beginning.

Tract 3

All of the Northeast Quarter (NE1/4) of Section Thirteen (13), Township Sixty-four (64), Range Thirty-six (36), lying North of the right-of-way of the former Norfolk and Western Railroad, Except the West 470 feet thereof.; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the board of regents of Northwest Missouri State University and the City Council of the city of Maryville, Missouri.

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 519**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Concurrent Resolution No. 16

Relating to the Risk Management Program of the Environmental Protection Agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, as required by section 112(r) of the federal Clean Air Act, the Environmental Protection Agency has promulgated the Risk Management Program that requires the development of comprehensive prevention and emergency response programs for propane storage; and

WHEREAS, adequate safeguards to meet public safety needs currently exist under federal, state and local regulations; and

WHEREAS, the Environmental Protection Agency's risk management regulations will dramatically increase costs of doing business without increasing safety by: causing customers to switch away from propane, a federally approved clean fuel; duplicating state regulations based upon existing fire protection standards; duplicating federal right-to-know regulations; and not providing a fuel use exemption similar to OSHA's; and

WHEREAS, the EPA's rules cover anyone with more than 2380 gallons of propane on site, regardless of whether or not it is a single tank or connected tanks which could easily be exceeded by individual restaurants, farms and some residences; and

WHEREAS, the costs, which is estimated to exceed one and one-half billion dollars, to the private sector of complying with EPA's regulations will be staggering:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Environmental Protection Agency to not include propane in the Risk Management Program; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.



Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 58**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 846**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 354**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 599**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 903**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 926**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 535**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 21**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### HOUSE CONCURRENT RESOLUTION NO. 21

Relating to the United States Postal Service issuing a commemorative stamp honoring law enforcement officers killed in the line of duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, since 1988, over seven hundred law enforcement officers throughout the United States have been killed in the line of duty and in addition over six hundred have been killed in duty-related accidents and over six hundred thousand officers have been assaulted; and

WHEREAS, while progress is being made in fighting crime, violence remains a serious threat to those officers who have sworn to protect society; and

WHEREAS, these heroic men and women of our law enforcement agencies who face danger every day and their fallen colleagues come from many different backgrounds; and

WHEREAS, we the members of the Ninetieth General Assembly believe these heroes who fought and died for the strongly held principles of law and order and whose sacrifices have made a difference to each and everyone of us should be honored in some significant way; and

WHEREAS, the U.S. Postal Service issues commemorative stamps which honor deceased heros and we believe there are no



greater heroes than our fallen law enforcement officers:

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Postal Service to issue a commemorative stamp honoring all law enforcement officers who have been killed in the line of duty; and

BE IF FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution to be sent to the Citizens' Stamp Advisory Committee, c/o Stamp Management, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 4474EB, Washington, DC 20260-6756.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HB 415**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Missouri Tobacco Settlement**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Missouri Tobacco Settlement, to which was referred **HB 430** and **HB 648**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 727**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 727 by amending the Title, Line 2, by inserting before the numeral "302.173" the numeral "136.055," and further amend the Title, line 4, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Section A, Line 1, by inserting before the numeral "302.173" the numeral "136.055," ; and further amend said Section, Line 2, by deleting the word "four" and inserting in lieu thereof the word "five"; and further amend said Section, Line 3, by inserting after the word "sections" the numeral "136.055,"; and

Further amend said bill, Section 302.173, Line 1, by inserting before said section the following:

"136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars from August 28, 1997, until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(2) For each application or transfer of title--two dollars from August 28, 1997, until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(3) For each chauffeur's, operator's or driver's license--two dollars until January 1, 1998; and two dollars and fifty cents **until July 1, 2000; and four dollars** beginning **July 1, 2000** [January 1, 1998];

(4) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents."

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 772**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Municipal Corporations**, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **HB 748**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 446**, begs leave to report it has examined the same and recommends that it **be returned to the committee of origin**.

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 30**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 89**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 899**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HJR 26**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HB 908**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 36**, introduced by Representative Bartle, relating to reducing the number of members of the house of representatives.

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1032**, introduced by Representative Ballard, relating to the operation of farm wagons.

**HB 1033**, introduced by Representatives Merideth, Myers and Gratz, relating to public officers and employees.

**HB 1034**, introduced by Representatives Blunt and Wright, relating to income taxation.

**HB 1035**, introduced by Representatives Liese, Cooper and Lakin, et al, relating to state employee benefits.

**HB 1036**, introduced by Representative Skaggs, relating to medical treatment facility licenses.

**HB 1037**, introduced by Representative Tudor, relating to confidentiality of birth records.

**HB 1038**, introduced by Representative Hoppe, relating to collection of delinquent taxes in certain cities and counties.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 177**, entitled:

An act to repeal section 556.061, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 320 & 445**, entitled:

An act to amend chapters 162, 170, 191 and 376, RSMo, by adding thereto twelve new sections relating to programs for the disabled.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 426**, entitled:

An act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 399**, entitled:

An act to repeal section 163.011 as enacted by senate bill no. 781 of the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 of the eighty-ninth general assembly, second regular session, relating to school finance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Monaco.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, March 22, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**



Correct House Journal, Thirty-seventh Day, Wednesday, March 10, 1999, page 717, line 20, by deleting "and **SCS SB 325**" and inserting in lieu thereof the following: ", **SCS SB 325, SB 362, SB 379, SB 433 and SB 456**".

Pages 716 and 717, roll call, by showing Representatives Bennett, Days and Ridgeway voting "aye" rather than "absent with leave".

Pages 718 and 719, roll call, by showing Representatives Boykins and Levin voting "aye" rather than "absent with leave".

Pages 720 and 721, roll call, by showing Representatives Berkstresser, Boykins, Dolan, Kreider and Seigfreid voting "aye" rather than "absent with leave".

Pages 722 and 723, roll call, by showing Representatives Berkstresser, Merideth, Murphy and Scott voting "aye" rather than "absent with leave".

Pages 723 and 724, roll call, by showing Representative O'Connor voting "aye" rather than "absent with leave".

Pages 723 and 724, roll call, by showing Representative Blunt voting "no" rather than "absent with leave".

Pages 724 and 725, roll call, by showing Representatives Boykins, George, Hoppe and Kelly (27) voting "aye" rather than "absent with leave".

Pages 725 and 726, roll call, by showing Representatives Boykins, Gratz, Hoppe, Kelly (27), Loudon and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 725 and 726, roll call, by showing Representative Howerton voting "no" rather than "absent with leave".

Page 729, roll call, by showing Representatives Bartelsmeyer and Luetkemeyer voting "aye" rather than "absent with leave".

Page 731, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Page 732, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Page 735, roll call, by showing Representatives Burton and Crump voting "aye" rather than "absent with leave".

Page 736, roll call, by showing Representatives Burton, Dolan and Patek voting "aye" rather than "absent with leave".

Page 737, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Page 738, roll call, by showing Representatives Dolan and Lakin voting "aye" rather than "absent with leave".

Page 739, roll call, by showing Representatives Bartelsmeyer, Dolan and Lakin voting "aye" rather than "absent with leave".

Page 741, roll call, by showing Representative Bartle voting "aye" rather than "absent with leave".

Page 742, roll call, by showing Representatives Hollingsworth, Levin, Smith and Summers voting "aye" rather than "absent with leave".

Pages 747 and 748, roll call, by showing Representatives Burton and Reynolds voting "no" rather than "absent with leave".

Page 757, roll call, by showing Representative Reynolds voting "no" rather than "absent with leave".

Page 757, roll call, by showing Representative Burton voting "aye" rather than "absent with leave".



## **COMMITTEE MEETINGS**

### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, March 24, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow.

To be considered - HB 901, HB 936

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, March 24, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

To be considered - SB 112, SB 124, SB 189, SB 264, SB 271, SB 321, SB 360,

Executive Session - HB 199, Executive Session - HB 534,

Executive Session - HB 539, Executive Session - HB 763, Executive Session - HB 829,

Executive Session - HB 906, Executive Session - HB 917

### **CONSUMER PROTECTION AND HOUSING**

Tuesday, March 23, 1999, 7:30 pm. Hearing Room 7. AMENDED NOTICE.

To be considered - HB 991, Executive Session - HB 192

### **CORRECTIONAL & STATE INSTITUTIONS**

Tuesday, March 23, 1999, 9:30 am. Hearing Room 7. Executive session may follow.

To be considered - HB 982, SB 315

### **CRIMINAL LAW**

Wednesday, March 24, 1999, 8:00 pm. Hearing Room 9.

Executive session may follow.

To be considered - HB 279, HB 455, HB 606, HB 913, HB 927, SB 237, SB 275

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, March 23, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 33, HB 833, HB 928, Executive Session - HB 378,

Executive Session - HB 730, Executive Session - HB 744

### **EDUCATION - HIGHER**

Wednesday, March 24, 1999. Hearing Room 8 upon noon adjournment.

To be considered - SB 218, Executive Session - HB 563,

Executive Session -HB 685

### **ELECTIONS**

Tuesday, March 23, 1999, 8:00 pm. Hearing Room 8.

To be considered - Executive Session - HB 345, Executive Session - HB 780,

Executive Session - HEC 2

### **FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Monday, March 22, 1999, 8:00 pm. Hearing Room 7.

Executive session may follow.

To be considered - SB 169, SB 188

#### JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, March 29, 1999, 1:15 pm. Hearing Room 5.

Testimony from Joe Driskill, Director Dept. of Economic Development.

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 23, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session may follow.

To be considered - HB 985, HB 987, HJR 32, SB 12, SB 81, SCR 5

#### MUNICIPAL CORPORATIONS

Monday, March 22, 1999. Side gallery upon evening adjournment.

To be considered - Executive Session - HB 971

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, March 23, 1999, 8:30 am. Hearing Room 5.

Possible executive session may follow.

To be considered - HB 475, HB 673, HB 953, HB 955

#### TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, March 22, 1999, 8:00 pm. Hearing Room 9.

Executive session may follow.

To be considered - HB 808, HB 965, SB 184, SB 240

#### URBAN AFFAIRS

Tuesday, March 23, 1999, 8:00 pm. Hearing Rooms 1 and 2.

Executive session to follow.

To be considered - SB 4

#### WAYS AND MEANS

Tuesday, March 23, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow.

To be considered - HB 237, HB 865, HB 925, HB 941, SB 105, SB 159, SB 219

#### HOUSE CALENDAR

THIRTY-NINTH DAY, MONDAY, MARCH 22, 1999

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 36

**HOUSE BILLS FOR SECOND READING**

HB 1032 through HB 1038

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HB 1 - Franklin
- 2 HCS HB 2 - Lakin
- 3 HCS HB 3 - Lakin
- 4 HCS HB 4 - Green
- 5 HCS HB 5 - Green
- 6 HCS HB 6 - Scheve
- 7 HCS HB 7 - Scheve
- 8 HCS HB 8 - Lakin
- 9 HCS HB 9 - Troupe
- 10 HCS HB 10 - Carter
- 11 HCS HB 11 - Troupe
- 12 HCS HB 12 - Lakin/Green

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 389 - Hoppe
- 2 HCS HB 818 - Days
- 3 HB 753 - Rizzo
- 4 HCS HB 852 - Hosmer
- 5 HCS HB 850 & 851 - Hosmer
- 6 HCS HB 826 - Harlan
- 7 HB 401 - Barry
- 8 HCS HB 793 - Treadway
- 9 HCS HB 701 - Rizzo
- 10 HCS HB 603, 722 & 783 - Wiggins
- 11 HCS HB 822 - Liese
- 12 HCS HB 718, 225, 876 & 838 - Harlan
- 13 HB 115 - Kreider
- 14 HCS HB 441 - Riback Wilson
- 15 HCS HB 256 - George
- 16 HB 700 - Mays (50)
- 17 HCS HB 736, 515 & 508 - Hagan-Harrell
- 18 HCS HB 460 - O'Toole
- 19 HCS HB 911 - Clayton

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 166 - McLuckie

3 HB 492 - Hosmer

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 8, 1999)

1 HB 895 - Crump

2 HB 792 - Kissell

3 HB 500 - Koller

4 HB 930 - Ward

5 HB 328 - Parker

6 HB 915 - Mays (50)

7 HB 327 - Parker

8 HB 268 - Crawford

(March 9, 1999)

9 HB 499 - Hartzler (123)

10 HB 789 - Berkstresser

11 HB 426 - Ridgeway

12 HB 550 - Howerton

(March 10, 1999)

13 HB 548 - Kennedy

(March 22, 1999)

14 HB 846 - Carter

15 HB 266 - Britt

16 HB 847 - Relford

17 HB 745 - Kreider

18 HB 452 - Boatright

19 HB 775 - Hosmer

20 HB 542 - Barry

21 HB 122 - Gaskill

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (3-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING**



1 HCS HB 889, (Fiscal Review 3-10-99) - Fitzwater

2 HS HCS HB 686 - Murray

3 HS HCS HB 26 & 117 - Kreider

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 741 - Monaco

2 HB 920 - Farnen

3 HB 834 - Crump

4 HB 352 - Foley

5 HB 791 - Wagner

6 HB 402 - Relford

7 HB 721 - Barry

8 HB 779 - Skaggs

9 HB 795 - Kennedy

10 HB 853 - Seigfreid

11 HB 796 - Smith

12 HB 778 - Luetkenhaus

13 HB 776 - McBride

14 HB 476 - Hegeman

15 HB 800 - Linton

**SENATE BILLS FOR SECOND READING**

1 SB 177

2 SCS SB 320 & 445

3 SB 399

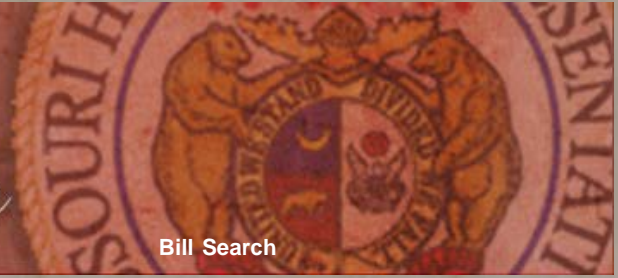
4 SB 426



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

THIRTY-NINTH DAY, Monday, March 22, 1999

Speaker Gaw in the Chair.

Prayer by Representative Harry Kennedy.

We live in a very exciting but very busy time. It seems that there are not enough hours in the day. We here at the Capitol are not immune to many distractions as we hurry from committee hearing to committee hearing, and at home from one meeting to the next. Let us bow our heads and ask God's blessing on everything we do today. In this vein let us try to emulate the verses of this Old Irish Prayer....

Oh Lord, encourage us to: Take time to work, it is the price of success. Take time to think, it is the source of power. Take time to play, it is the secret of perpetual youth. Take time to read, it is the foundation of wisdom. Take time to be friendly, it is the road to happiness. Take time to dream, it is hitching your wagon to a star. Take time to love and be loved, it is the privilege of the gods. Take time to look around, the day is too short to be selfish. Take time to laugh, it is the music of the soul. For this we pray.....Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-eighth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 424 - Representative Clayton

House Resolution No. 425 - Representative Patek

House Resolution No. 426 - Representative Backer

House Resolution No. 427 - Representative Shields

House Resolution No. 428 - Representative Daniels (41)

House Resolution No. 429 - Representative Boucher

House Resolution No. 430 - Representative Summers

House Resolution No. 431 - Representative Boykins

House Resolution No. 432 - Representative Gratz

House Resolution No. 433 and House Resolution No. 434 - Representative Shields

House Resolution No. 435 - Representative Smith

House Resolution No. 436 and House Resolution No. 437 - Representative Ridgeway

House Resolution No. 438 - Representative Backer  
House Resolution No. 439 - Representative O'Connor  
House Resolution No. 440 - Representative Leake  
House Resolution No. 441 through House Resolution No. 443 - Representative Gross  
House Resolution No. 444 and House Resolution No. 445 - Representative Ostmann  
House Resolution No. 446 and House Resolution No. 447 - Representative Chrismer  
House Resolution No. 448 - Representative Bennett  
House Resolution No. 449 - Representative Overschmidt  
House Resolution No. 450 - Representative Luetkenhaus  
House Resolution No. 451 and House Resolution No. 452 - Representative Bartelsmeyer  
House Resolution No. 453 - Representative Cooper  
House Resolution No. 454 - Representative Hartzler (124)  
House Resolution No. 455 through House Resolution No. 478 - Representative Wagner

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 36** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 1032** through **HB 1038** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 177**, **SCS SBs 320 & 445**, **SB 399** and **SB 426** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HBs 26 & 117**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 676**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HCS HBs 26 & 117** - Fiscal Review (Fiscal Note)

#### **PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HB 1**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 1** was ordered perfected and printed.

### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 741**, relating to civil actions on human rights, was taken up by Representative Monaco.

On motion of Representative Monaco, **HB 741** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker



NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniels 41 Gaskill Kasten King Secrest

Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 920**, relating to coordinating board advisory committee, was taken up by Representative Farnen.

On motion of Representative Farnen, **HB 920** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Fraser

Froelker Gambaro George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Howerton Kelley 47 Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lakin Lawson

Leake Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Purgason

PRESENT: 000

ABSENT WITH LEAVE: 012

Barnett Daniels 41 Franklin Gaskill Hosmer  
Kasten King Legan Levin Secrest  
Thompson 37 Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Van Zandt, title to the bill was agreed to.

Representative Ladd Stokan moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HB 834**, relating to conveyance in Iron County, was taken up by Representative Crump.

On motion of Representative Crump, **HB 834** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniels 41 Gaskill Kasten King McClelland  
Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Shelton moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HB 352**, relating to municipal fire departments, was taken up by Representative Foley.

On motion of Representative Foley, **HB 352** was read the third time and passed by the following vote:

AYES: 131

Abel Akin Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Berkowitz Black  
Blunt Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Enz Farnen Fitzwater Foley  
Ford Franklin Fraser Froelker Gambaro  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Hagan-Harrell Hampton Harlan  
Hartzler 123 Hegeman Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kelley 47  
Kennedy Kissell Klindt Koller Kreider  
Lakin Lawson Leake Levin Liese  
Linton Long Loudon Luetkenhaus Marble  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 021

Alter Bartle Bennett Berkstresser Boatright  
Crawford Elliott Evans Foster Gibbons  
Gunn Hanaway Hartzler 124 Hendrickson Hohulin



Luetkemeyer McClelland Scott Summers Surface  
Townley

PRESENT: 001

Murphy

ABSENT WITH LEAVE: 009

Daniels 41 Gaskill Kasten Kelly 27 King

Legan Lograsso Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Mays (50) moved that motion lay on the table.

The latter motion prevailed.

**HB 791**, relating to state park funds, was taken up by Representative Wagner.

On motion of Representative Wagner, **HB 791** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniels 41 Gaskill Kasten King Secrest  
Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Harlan moved that motion lay on the table.

The latter motion prevailed.

**HB 402**, relating to county clerks, was taken up by Representative Relford.

On motion of Representative Relford, **HB 402** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniels 41 Dolan Gaskill Kasten King

Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Luetkenhaus, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**HB 721**, relating to treatment of tuberculosis, was taken up by Representative Barry.

On motion of Representative Barry, **HB 721** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright



Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniels 41 Gaskill Kasten King Secrest

Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Backer, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

**HB 779**, relating to vacation of streets and easements, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **HB 779** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kelley 47 Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Hendrickson Lograsso

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Gaskill Kasten King Liese  
Patek Sallee Secrest Thompson 37 Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**HB 795**, relating to recorder of deeds, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HB 795** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Nordwald O'Connor O'Toole Ostmann  
Overschmidt Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniels 41 Gaskill Kasten King Naeger

Parker Scott Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HB 853**, relating to planning and zoning, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, **HB 853** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fraser Froelker Gambaro George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kelley 47 Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Purgason Ransdall

Reid Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker



NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Ford Gaskill Kasten King

Parker Pryor Reynolds Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

**HB 796**, relating to county hospital assets, was taken up by Representative Smith.

On motion of Representative Smith, **HB 796** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fraser Froelker

Gambaro George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy Kissell Klindt

Koller Kreider Lakin Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 002

Ballard Hartzler 123

PRESENT: 000

ABSENT WITH LEAVE: 009

Chrismer Daniels 41 Ford Gaskill Kasten  
King Lawson Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Abel Auer Backer Barnett Barry 100  
Bartelsmeyer Bartle Bennett Berkowitz Berkstresser  
Black Blunt Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Clayton Cooper Crawford Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Farnen Fitzwater  
Foley Foster Franklin Fraser Froelker  
Gambaro George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Ransdall Relford Reynolds Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shields Skaggs Smith Stokan Summers  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 024

Akin Alter Ballard Boatright Chrismer  
Cierpiot Evans Gross Hartzler 123 Hartzler 124  
Hohulin Howerton Lograsso Long Loudon  
Merideth Murphy Pouche Pryor Purgason  
Reid Reinhart Ridgeway Surface

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniels 41 Ford Gaskill Kasten King  
Secrest Shelton Thompson 37

VACANCIES: 001

On motion of Representative Selby, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HB 778**, relating to educational employees' scholarship, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HB 778** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Foster Franklin  
Fraser Froelker Gambaro Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniels 41 Ford Gaskill George Kasten  
King Lakin Lograsso Patek Secrest  
Thompson 37 Williams 121



VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Ward moved that motion lay on the table.

The latter motion prevailed.

**HB 776**, relating to land surveys, was taken up by Representative McBride.

On motion of Representative McBride, **HB 776** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fraser Froelker

Gambaro George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Cierpiot Daniels 41 Ford Gaskill

Kasten Lakin Lograsso Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Kelly (27) moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

**HB 476**, relating to fourth class cities, was taken up by Representative Hegeman.

On motion of Representative Hegeman, **HB 476** was read the third time and passed by the following vote:

AYES: 144

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Enz Evans Farnen Fitzwater

Foley Foster Franklin Fraser Froelker

Gambaro George Gibbons Graham 106 Gratz

Green Griesheimer Gross Gunn Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Hollingsworth Hoppe  
Hosmer Howerton Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Ward  
Williams 121 Williams 159 Wright Mr. Speaker

NOES: 009

Elliott Graham 24 Hagan-Harrell Harlan Holand  
McLuckie Monaco Wagner Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Daniels 41 Ford Gaskill Kasten  
Lograsso Secrest Thompson 37 Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative Hilgemann moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**HB 800**, relating to conveyance of property, was taken up by Representative Linton.

On motion of Representative Linton, **HB 800** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Foster Franklin Fraser  
Froelker Gambaro George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Daniels 41 Ford Gaskill Harlan  
Kasten Lograsso Secrest Thompson 37



VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative Troupe moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 818**, relating to student academic deficiencies, was taken up by Representative Days.

Representative Days offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 818, Pages 2 to 4, Sections 2, 3 and 4, by deleting all of said sections.

On motion of Representative Days, **House Amendment No. 1** was adopted.

Representative McClelland offered **House Amendment No. 2**.

**House Amendment No. 2** was withdrawn.

Representative Wright offered **House Amendment No. 2**.

**House Amendment No. 2** was withdrawn.

Representative Wright offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 818, Page 2, Section 1, Line 36, by inserting after all of said line the following:

**"Section 2. 1. No elementary or secondary pupil shall participate in any extracurricular activity sponsored or sanctioned by the school district or the Missouri state high school activities association or any other school association after a grade evaluation period in which the pupil failed a class or in which the pupil received a grade point average for the period less than the equivalent of a 2.0 on a 4.0 scale until the middle of the next grade evaluation period. The pupil may be allowed to participate in such activities after the middle of the next grade evaluation period only if the pupil has been evaluated and is not failing any class.**

**2. The prohibition against participation pursuant to subsection 1 of this section shall carry over into the next school year.**

**3. Any school district allowing a pupil to participate in violation of subsection 1 of this section shall not receive state aid pursuant to section 163.031, RSMo, for such pupil during the time of such violation.**

**4. Any school allowing a pupil to participate in violation of subsection 1 of this section shall forfeit all games in which the pupil participated.**

**5. A pupil suspended from participation pursuant to this section may practice or rehearse with other pupils for an extracurricular activity but may not participate in a competition or other public performance."**

And renumber other sections accordingly.

Representative Relford raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

**HCS HB 818, as amended, with House Amendment No. 2, pending**, was laid over.

#### **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 49** - Miscellaneous Bills and Resolutions  
**HR 62** - Miscellaneous Bills and Resolutions  
**HR 118** - Miscellaneous Bills and Resolutions  
**HR 193** - Miscellaneous Bills and Resolutions  
**HR 200** - Miscellaneous Bills and Resolutions  
**HR 276** - Miscellaneous Bills and Resolutions  
**HR 313** - Miscellaneous Bills and Resolutions

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 23** - Local Government and Related Matters  
**HCR 24** - Missouri Tobacco Settlement  
**HCR 25** - Labor  
**HCR 26** - Labor  
**HCR 27** - Social Services, Medicaid and the Elderly

#### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 34** - Criminal Law

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 602** - Judiciary  
**HB 781** - Criminal Law

**HB 794** - Motor Vehicle and Traffic Regulations  
**HB 804** - Ways and Means  
**HB 821** - Judiciary  
**HB 894** - Critical Issues  
**HB 916** - Education - Higher  
**HB 966** - Civil and Administrative Law  
**HB 986** - Municipal Corporations  
**HB 988** - Fiscal Review  
**HB 989** - Ways and Means  
**HB 990** - Critical Issues  
**HB 992** - Education - Elementary and Secondary  
**HB 993** - Education - Higher  
**HB 994** - Public Health  
**HB 997** - Local Government and Related Matters  
**HB 999** - Motor Vehicle and Traffic Regulations  
**HB 1001** - Miscellaneous Bills and Resolutions  
**HB 1002** - Insurance  
**HB 1003** - Environment and Energy  
**HB 1004** - Education - Elementary and Secondary  
**HB 1005** - Ways and Means  
**HB 1006** - Motor Vehicle and Traffic Regulations  
**HB 1007** - Public Safety and Law Enforcement  
**HB 1008** - Workers Compensation and Employment Security  
**HB 1009** - Municipal Corporations  
**HB 1010** - Retirement  
**HB 1011** - Judiciary  
**HB 1012** - Judiciary  
**HB 1013** - Insurance  
**HB 1015** - Transportation  
**HB 1016** - Civil and Administrative Law  
**HB 1017** - Education - Elementary and Secondary  
**HB 1018** - Education - Elementary and Secondary  
**HB 1019** - Insurance

#### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 1** - Miscellaneous Bills and Resolutions  
**SCR 2** - Utilities Regulation  
**SCR 8** - Critical Issues  
**SCR 10** - Commerce

**SCR 11** - Miscellaneous Bills and Resolutions

**SCR 14** - Missouri Tobacco Settlement

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SBs 8 & 173** - Public Health

**SB 76** - Municipal Corporations

**SB 136** - Governmental Organization and Review

**SB 158** - Public Health

**SS SCS SBs 160 & 82** - Fiscal Review

**SS#2 SB 163** - Education - Elementary and Secondary

**SCS SB 170** - Judiciary

**SS SB 266** - Judiciary

**SB 299** - Judiciary

**SCS SBs 308 & 314** - Retirement

**SB 310** - Agriculture

**SB 401** - State Parks, Natural Resources and Mining

**SB 410** - Retirement

### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 895, HB 792, HB 500, HB 930, HB 328, HB 915, HB 327** and **HB 268**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 709**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Municipal Corporations**, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **HB 971**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 37**, introduced by Representatives Scott and Naeger, et al, relating to the governor's powers.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:



**HB 1039**, introduced by Representative Hollingsworth, relating to the powers of certain counties to license certain occupations.

**HB 1040**, introduced by Representatives Luetkenhaus, Kissell and Gaw, relating to the appeal of county assessors' decisions.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 16**, entitled:

Senate Concurrent Resolution No. 16

WHEREAS, the Food Quality Protection Act of 1996 was signed into law on August 3, 1996, by President Clinton; and

WHEREAS, the Food Quality Protection Act establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

WHEREAS, the Food Quality Protection Act requires the Environmental Protection Agency to ensure that all pesticide tolerances meet these new Food Quality Protection Act standards by reassessing one-third of the 9,700 existing pesticide tolerances by August, 1999, and all existing tolerances in ten years; and

WHEREAS, the Food Quality Protection Act changes the types of information the Environmental Protection Agency is required to evaluate in the risk assessment process for establishing tolerances for pesticide residues in food and feed; and

WHEREAS, the Food Quality Protection Act was to assure that pesticide tolerances and policies are formulated in an open and transparent manner; and

WHEREAS, the Food Quality Protection Act further emphasizes the need for reliable information about the volume and types of pesticides being applied to individual crops and what residues can be anticipated on these crops; and

WHEREAS, risk estimates based on sound science and reliable, real-world data are essential to avoid misguided decisions, and the best way for the Environmental Protection Agency to obtain these data is to require data submission by the registrant through the data call-in process; and

WHEREAS, the implementation of the Food Quality Protection Act by the Environmental Protection Agency could have a profound negative impact on domestic agricultural production, and on consumer food prices and availability if products are removed from the market solely because of insufficient data; and

WHEREAS, the removal of these products will result in fewer pest control options for the United States and Missouri and could significantly disrupt successful integrated pest management programs which would be devastating to the economy of our state and jeopardize the very livelihood of many of our agricultural producers; and

WHEREAS, the removal of products because of a lack of information will result in fewer pest control options for urban and suburban uses, with potential losses of personal property, damage to valuable recreational areas and managed green space and increased human health concerns;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask that Congress direct the Environmental Protection Agency to immediately initiate appropriate public rulemaking to ensure that the policies, standards and procedures it intends to apply in reassessing existing pesticide tolerances are subject to public notice and comment prior to final tolerance determinations being made by the agency; and

BE IT FURTHER RESOLVED that the Environmental Protection Agency use sound science and real-world data from the data call-in process in establishing realistic models for evaluating risks; and

BE IT FURTHER RESOLVED that Congress direct the Environmental Protection Agency to implement the Food Quality Protection Act in a manner that will not disrupt agricultural production nor negatively impact the availability, diversity, and affordability of food, threaten public health or diminish the quality of valuable recreational areas and managed green spaces; and

BE IT FURTHER RESOLVED that Congress immediately conduct oversight hearings to ensure that actions by the Environmental Protection Agency are consistent with the Food Quality Protection Act provisions and Congressional intent; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation and to the administrator of the Environmental Protection Agency.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SJR 25**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri relating to certain funds in the state treasury, and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 14** and has taken up and passed **CCS HB 14**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SJR 23**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 249**, entitled:

An act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to setup contractors for the manufactured housing industry, with penalty provisions and an expiration date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 289**, entitled:

An act to repeal sections 162.857, 162.867 and 162.1100, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 309**, entitled:

An act to repeal section 43.050, RSMo Supp. 1998, relating to public safety personnel, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 335**, entitled:

An act to repeal sections 195.275, 217.760, 455.085, 513.653, 558.016, 569.025, 569.035, 570.040 and 571.015, RSMo 1994, and sections 557.036, 558.011, 558.019, 559.026 and 559.115, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILLS

March 8, 1999

The Honorable Steve Gaw  
Speaker, Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that **HB 998** be withdrawn.

Thank you for considering this request.

Sincerely,

/s/ Kate Hollingsworth  
State Representative

March 12, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
Room 307, Missouri State Capitol  
Jefferson City, MO 65101

Dear Ms. Walker:

I respectfully request that **House Bill 849** be withdrawn.

Thank you for your time and attention.

Respectfully,

/s/ Steve Gaw  
Speaker

The following member's presence was noted: Gaskill

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, March 23, 1999.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-eighth Day, Thursday, March 11, 1999, page 771, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Page 773, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 775 and 776, roll call, by showing Representative Luetkenhaus voting "no" rather than "absent with leave".

Pages 776 and 777, roll call, by showing Representatives Akin and Hoppe voting "no" rather than "absent with leave".

Page 781, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 782 and 783, roll call, by showing Representative Kreider voting "no" rather than "absent with leave".

Pages 782 and 783, roll call, by showing Representatives Berkstresser and Surface voting "aye" rather than "absent with leave".

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, March 24, 1999. Hearing Room 9 upon morning adjournment.

To be considered - HB 13

#### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, March 24, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow.

To be considered - HB 901, HB 936

#### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, March 23, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow.

To be considered - HB 910, HB 940

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, March 24, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

To be considered - SB 112, SB 124, SB 189, SB 264, SB 271, SB 321, SB 360,

Executive Session - HB 199, Executive Session - HB 534, Executive Session - HB 539,

Executive Session - HB 763, Executive Session - HB 829, Executive Session - HB 906,

Executive Session - HB 917

#### **COMMERCE**

Wednesday, March 24, 1999, 9:00 am. Hearing Room 6. Executive session may follow.

To be considered - HB 944, SCR 10



#### CONSUMER PROTECTION AND HOUSING

Tuesday, March 23, 1999, 7:30 pm. Hearing Room 7. AMENDED NOTICE.

To be considered - HB 991, Executive Session - HB 192

#### CORRECTIONAL & STATE INSTITUTIONS

Tuesday, March 23, 1999, 9:30 am. Hearing Room 7. Executive session may follow.

To be considered - HB 982, SB 315

#### CRIMINAL LAW

Wednesday, March 24, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 279, HB 455, HB 606, HB 913, HB 927, SB 237, SB 275

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 23, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 33, HB 833, HB 928, Executive Session - HB 378,

Executive Session - HB 730, Executive Session - HB 744

#### EDUCATION - HIGHER

Wednesday, March 24, 1999. Hearing Room 8 upon noon adjournment.

To be considered - SB 218, Executive Session - HB 563, Executive Session - HB 685

#### ELECTIONS

Tuesday, March 23, 1999, 8:00 pm. Hearing Room 8.

To be considered - Executive Session - HB 345, Executive Session - HB 780,

Executive Session - HEC 2

#### FISCAL REVIEW

Wednesday, March 24, 1999, 8:30 am. Hearing Room 9. Executive session.

To be considered - HB 26, HB 889, HB 988

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 24, 1999, 8:30 am. Hearing Room 8.

To be considered - SB 15, SB 136

#### JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, March 29, 1999, 1:15 pm. Hearing Room 5. Testimony from Joe Driskill, Director,  
Dept. of Economic Development.

#### JUDICIARY

Tuesday, March 23, 1999. Hearing Room 5 upon morning adjournment.

To be considered - HB 380, HB 719, HB 961, HB 978, SB 141, SB 278

#### LABOR

Tuesday, March 23, 1999, 8:00 pm. Hearing Room 6.

To be considered - SB 224, SB 234

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 23, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session may follow.

To be considered - HB 985, HB 987, HJR 32, SB 12, SB 81, SCR 5

#### PUBLIC HEALTH

Wednesday, March 24, 1999, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 994, SB 8, SB 25, SB 216, Executive Session - HB 746,

Executive Session - HB 766

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, March 23, 1999, 8:30 am. Hearing Room 5. Possible executive session may follow.

To be considered - HB 475, HB 673, HB 953, HB 955

#### RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Wednesday, March 24, 1999, 9:00 am. Hearing Room 7. Executive session.

To be considered - HR 366

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 23, 1999, 8:00 pm. Hearing Room 5.

To be considered - SB 7, SB 83

#### URBAN AFFAIRS

Tuesday, March 23, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session to follow.

To be considered - SB 4

#### WAYS AND MEANS

Tuesday, March 23, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow.

To be considered - HB 237, HB 865, HB 925, HB 941, SB 105, SB 159, SB 219

### HOUSE CALENDAR

FORTIETH DAY, TUESDAY, MARCH 23, 1999

#### HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 37

#### HOUSE BILLS FOR SECOND READING

HB 1039 and HB 1040

#### **HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 2 - Lakin
- 2 HCS HB 3 - Lakin
- 3 HCS HB 4 - Green
- 4 HCS HB 5 - Green
- 5 HCS HB 6 - Scheve
- 6 HCS HB 7 - Scheve
- 7 HCS HB 8 - Lakin
- 8 HCS HB 9 - Troupe
- 9 HCS HB 10 - Carter
- 10 HCS HB 11 - Troupe
- 11 HCS HB 12 - Lakin/Green

#### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 389 - Hoppe
- 2 HCS HB 818, as amended, HA 2, pending - Days
- 3 HB 753 - Rizzo
- 4 HCS HB 852 - Hosmer
- 5 HCS HB 850 & 851 - Hosmer
- 6 HCS HB 826 - Harlan
- 7 HB 401 - Barry
- 8 HCS HB 793 - Treadway
- 9 HCS HB 701 - Rizzo
- 10 HCS HB 603, 722 & 783 - Wiggins
- 11 HCS HB 822 - Liese
- 12 HCS HB 718, 225, 876 & 838 - Harlan
- 13 HB 115 - Kreider
- 14 HCS HB 441 - Riback Wilson
- 15 HCS HB 256 - George
- 16 HB 700 - Mays (50)
- 17 HCS HB 736, 515 & 508 - Hagan-Harrell
- 18 HCS HB 460 - O'Toole
- 19 HCS HB 911 - Clayton

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 2 HCS HB 166 - McLuckie
- 3 HB 492 - Hosmer

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 9, 1999)

1 HB 499 - Hartzler (123)

2 HB 789 - Berkstresser

3 HB 426 - Ridgeway

4 HB 550 - Howerton

(March 10, 1999)

5 HB 548 - Kennedy

(March 22, 1999)

6 HB 846 - Carter

7 HB 266 - Britt

8 HB 847 - Relford

9 HB 745 - Kreider

10 HB 452 - Boatright

11 HB 775 - Hosmer

12 HB 542 - Barry

13 HB 122 - Gaskill

(March 23, 1999)

14 HB 58 - Treadway

15 HB 903 - Auer

16 HB 926 - Liese

17 HB 748 - O'Toole

18 HB 415 - Vogel

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING**

1 HCS HB 889, (Fiscal Review 3-10-99) - Fitzwater

2 HS HCS HB 686 - Murray

3 HS HCS HB 26 & 117, (Fiscal Review 3-22-99) - Kreider

4 HCS HB 676 - Days



#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 895 - Crump
- 2 HB 792 - Kissel
- 3 HB 500 - Koller
- 4 HB 930 - Ward
- 5 HB 328 - Parker
- 6 HB 915 - Mays (50)
- 7 HB 327 - Parker
- 8 HB 268 - Crawford

#### **SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 16

#### **SENATE JOINT RESOLUTIONS FOR SECOND READING**

- 1 SS SJR 23
- 2 SJR 25

#### **SENATE BILLS FOR SECOND READING**

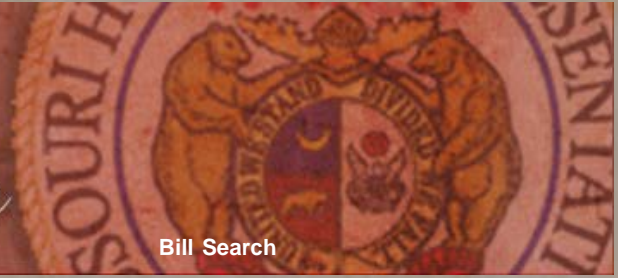
- 1 SCS SB 249
- 2 SS SB 289
- 3 SS SB 309
- 4 SS SCS SB 335



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FORTIETH DAY, Tuesday, March 23, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard, First Presbyterian Church.

O God, Gracious and Merciful, we pray for Your wisdom and Your guidance for the members of this House. Lift from their hearts all that discourages and all that invites cynicism and distrust of one another. And give to these who govern, faith in our fundamentals of democracy and justice and goodness.

May they serve You and the people of Missouri this day with a sense of joy and clear purpose for the common good... and to You be glory and honor, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jacqui Boyd, Jacob Brooke, Seth Jeffers, Taran Kelly, Kristin Hoskins, Annie Vaughn, Travis Green, Derek Smith, Charlotte Bullerd, Ron Frazier, Elizabeth Clark, Leah Krieger, Preston Lee, Grant Gorczyca, Allie Groomes, Samantha Shassere, Megan Linden, Blake Kessler, Kevin Jacobek, Ethan Welply, Brittany McDaniels, Lily Brodzinski, Claudia Brodzinski, Jason Dehn, Randy Apel, Jason Hunter, Ashley Warfield, William Nguyen, Matthew Hundelt and Bianca Cowan.

The Journal of the thirty-ninth day was approved as corrected by the following vote:

AYES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hampton Harlan Hartzler 123  
Hartzler 124 Hendrickson Hickey Hilgemann Hollingsworth  
Hoppe Howerton Kelley 47 Kelly 27 Kennedy  
King Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Overschmidt Parker Pouche Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shields Skaggs Smith Stokan  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 005

Blunt Hanaway Hohulin Patek Wright

PRESENT: 000

ABSENT WITH LEAVE: 017

Daniels 41 Enz Hagan-Harrell Hegeman Holand

Hosmer Kasten Kissell Loudon McLuckie

Ostmann Pryor Reid Secrest Shelton

Summers Thompson 37

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 479 through House Resolution No. 481 - Representative Relford

House Resolution No. 482 - Representative Bray

House Resolution No. 483 and House Resolution No. 484 - Representative Gaw

House Resolution No. 485 - Representative Clayton

House Resolution No. 486 - Representative Fitzwater

#### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 37** was read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1039** and **HB 1040** were read the second time.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 16** was read the second time.

## SECOND READING OF SENATE JOINT RESOLUTIONS

**SS SJR 23** and **SJR 25** were read the second time.

## SECOND READING OF SENATE BILLS

**SCS SB 249**, **SS SB 289**, **SS SB 309** and **SS SCS SB 335** were read the second time.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HCS HB 676** - Fiscal Review (Fiscal Note)

## PERFECTION OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 2**, relating to appropriations, was taken up by Representative Lakin.

Representative Lakin offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Sections 2.015, 2.020 and 2.315, by deleting said sections and inserting in lieu thereof the following:

"Section 2.015. To the Department of Elementary and Secondary Education

For payment of construction and site acquisition costs to accommodate any reasonably anticipated net enrollment increase caused by any reduction or elimination of the voluntary transfer plan as approved by the United States Court of the Eastern District of Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund \$ 28,500,000

For payments to the Metropolitan Schools Achieving Value in

Transfer Corporation established by Section 162.1060 RSMo

From General Revenue Fund 25,000,000



Total \$ 53,500,000

Section 2.020. To the Department of Elementary and Secondary Education

For the purpose of funding distributions to the free public schools under the School Foundation Program as provided in Chapter 163 RSMo as follows: At least One Billion, Four Hundred Eighty-Three Million, Four Hundred Twenty-One Thousand, Seven Hundred Eighty Dollars (\$1,483,421,780) for the Equity Formula; and Three Hundred Five Million, Four Hundred Ninety-One Thousand, Five Hundred Fifty-One Dollars (\$305,491,551) for Line 14 At-Risk Program; and no more than: One Hundred Forty-Five Million, Five Hundred Ninety-Six Thousand, Five Hundred Twenty-Five Dollars (\$145,596,525) for Transportation; One Hundred Forty-Four Million, Six Hundred Seventeen Thousand, Nine Hundred Eighty-Two Dollars (\$144,617,982) for Special Education; Eleven Million, Ninety-Six Thousand, Nine Hundred Twenty-Five Dollars (\$11,096,925) for Remedial Reading; Forty-Seven Million, Three Hundred Forty-Six Thousand, Nine Hundred Eighty-Four Dollars (\$47,346,984) for Early Childhood Special Education; Twenty-Three Million, One Hundred Forty-Seven Thousand, Seven Hundred Twenty-Five Dollars (\$23,147,725) for Gifted Education; Thirty-Seven Million, One Hundred Nineteen Thousand, One Hundred Sixty-Five Dollars (\$37,119,165) for Career Ladder; Fifty-Five Million, One Hundred Thirty-Eight Thousand, Twenty-Eight Dollars (\$55,138,028) for Vocational Education; and Twenty-Seven Million, Two Hundred Four Thousand, Six Hundred Fifty-One Dollars (\$27,204,651) for Early Childhood Development

From General Revenue Fund \$ 102,286,884

From Outstanding Schools Trust Fund 444,185,268E

From State School Moneys Fund 1,683,750,053

From Lottery Proceeds Fund 49,959,111

For the purpose of funding the State Board of Education operated school programs

Personal Service and/or Expense and Equipment

From General Revenue Fund 42,679,164

From Federal Funds 3,000,000

From Bingo Proceeds for Education Fund 1,707,167

Total \$ 2,327,567,647

Section 2.315. To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Billion, Four Hundred Seventy Million, Nine Hundred Forty-Five Thousand, One Hundred Eight Dollars (\$1,470,945,108) to the State School Moneys Fund

From General Revenue Fund \$ 1,470,945,108"

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Sections 2.015, 2.020 and 2.315, by deleting said sections and inserting in lieu thereof the following:

"Section 2.015. To the Department of Elementary and Secondary Education

For payment of construction and site acquisition costs to accommodate any reasonably anticipated net enrollment increase caused by any reduction or elimination of the voluntary transfer plan as approved by the United States Court of the Eastern District of Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund \$ 28,500,000

For payments to the Metropolitan Schools Achieving Value in

Transfer Corporation established by Section 162.1060 RSMo

From General Revenue Fund 25,000,000

Total \$ 53,500,000

Section 2.020. To the Department of Elementary and Secondary Education

For the purpose of funding distributions to the free public schools under the School Foundation Program as provided in Chapter 163 RSMo as follows: At least One Billion, Four Hundred Eighty-Three Million, Four Hundred Twenty-One Thousand, Seven Hundred Eighty Dollars (\$1,483,421,780) for the Equity Formula; and Three Hundred Five Million, Four Hundred Ninety-One Thousand, Five Hundred Fifty-One Dollars (\$305,491,551) for Line 14 At-Risk Program; and no more than: One Hundred Fifty-Six Million, Five Hundred Ninety-Six Thousand, Five Hundred Twenty-Five Dollars (\$156,596,525) for Transportation; One Hundred Fifty-Eight Million, Six Hundred Seventeen Thousand, Nine Hundred Eighty-Two Dollars (\$158,617,982) for Special Education; Eleven Million, Ninety-Six Thousand, Nine Hundred Twenty-Five Dollars (\$11,096,925) for Remedial Reading; Forty-Seven Million, Three Hundred Forty-Six Thousand, Nine Hundred Eighty-Four Dollars (\$47,346,984) for Early Childhood Special Education; Twenty-Three Million, One Hundred Forty-Seven Thousand, Seven Hundred Twenty-Five Dollars (\$23,147,725) for Gifted Education; Thirty-Seven Million, One Hundred Nineteen Thousand, One Hundred Sixty-Five Dollars (\$37,119,165) for Career Ladder; Fifty-Five Million, One Hundred Thirty-Eight Thousand, Twenty-Eight Dollars (\$55,138,028) for Vocational Education; and Twenty-Seven Million, Two Hundred Four Thousand, Six Hundred Fifty-One Dollars (\$27,204,651) for Early Childhood Development

From General Revenue Fund \$ 129,286,884

From Outstanding Schools Trust Fund 444,185,268E

From State School Moneys Fund 1,683,750,053

From Lottery Proceeds Fund 49,959,111

For the purpose of funding the State Board of Education operated school programs

Personal Service and/or Expense and Equipment

From General Revenue Fund 42,679,164

From Federal Funds 3,000,000

From Bingo Proceeds for Education Fund 1,707,167

Total \$ 2,327,567,647

Section 2.315. To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Billion, Four Hundred Seventy Million, Nine Hundred Forty-Five Thousand, One Hundred Eight Dollars (\$1,470,945,108) to the State School Moneys Fund

From General Revenue Fund \$ 1,470,945,108"

**HCS HB 2, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 1,** pending, was laid over.

**HCS HB 3**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 3** was adopted.

On motion of Representative Lakin, **HCS HB 3** was ordered perfected and printed.

**HCS HB 4**, relating to appropriations, was taken up by Representative Green.

Representative Pryor offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Amendment No. 4, Page 17, Section 4.215, Line 17, by inserting immediately after said line the following:

Construction

From General Revenue Fund \$ 100,000,000

And further amend said section, line 21, by deleting from said line the figure "\$ 956, 957, 009" and inserting in lieu thereof the figure "\$ 1,056,957,009".

Representative Pryor moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 046

Akin Ballard Barnett Bartelsmeyer Bartle

Bennett Berkstresser Blunt Boatright Chrismer

Dolan Elliott Enz Evans Foster

Froelker Gibbons Griesheimer Gross Hanaway

Hartzler 123 Hartzler 124 Kelley 47 King Klindt

Linton Long Loudon Luetkemeyer Miller

Murphy Myers Naeger Ostmann Patek

Pouche Pryor Reinhart Ridgeway Robirds

Ross Sallee Scott Townley Tudor

Wright

NOES: 109

Abel Alter Auer Backer Barry 100

Berkowitz Black Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dougherty Farnen Fitzwater Foley Ford

Franklin Fraser Gambaro George Graham 106

Graham 24 Gratz Green Gunn Hagan-Harrell

Hampton Harlan Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Monaco Murray

Nordwald O'Connor O'Toole Overschmidt Parker

Purgason Ransdall Reid Relford Reynolds

Rizzo Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Treadway

Troupe Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniels 41 Gaskill Kasten Richardson Secrest

Thompson 37 Williams 159

VACANCIES: 001

**HCS HB 4** was laid over.

On motion of Representative Crump, the House recessed until 2:30 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 136

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hegeman Hendrickson Hickey Hilgemann Hohulin

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kelly 27 King Kissell Klindt Koller

Kreider Lakin Lawson Legan Liese

Linton Lograsso Loudon Luetkemeyer Luetkenhaus

May 108 McBride McClelland McKenna McLuckie



Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pryor  
Purgason Ransdall Reid Reinhart Relford  
Rizzo Robirds Ross Scheve Schilling  
Schwab Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Tudor Van Zandt  
Vogel Ward Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 002

Blunt Wright

PRESENT: 001

Reynolds

ABSENT WITH LEAVE: 023

Backer Cierpiot Daniels 41 Evans Hartzler 124  
Holand Kasten Kennedy Leake Levin  
Long Marble Mays 50 Pouche Richardson  
Ridgeway Sallee Scott Secrest Treadway  
Troupe Wagner Wiggins

VACANCIES: 001

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 487 - Representative Kelley (47)  
House Resolution No. 488 and House Resolution No. 489 - Representative Boucher  
House Resolution No. 490 - Representative Campbell  
House Resolution No. 491 - Representative Farnen  
House Resolution No. 492 - Representative Kelley (47)  
House Resolution No. 493 - Representative Auer  
House Resolution No. 494 - Representative Clayton

#### **PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 4**, relating to appropriations, was again taken up by Representative Green.

Representative Naeger offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 4, Page 21, Section 4.305, Line 3, by deleting the following line and replace with "For the purpose of funding grants to Port Authorities for Capital improvements" and by deleting on line 5 of same section the amount of \$1,000,000 and replace with the amount of \$2,500,00.

Representative Naeger moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 033

Akin Alter Ballard Black Blunt

Dolan Elliott Enz Evans Foster

Froelker Gibbons Graham 106 Griesheimer King

Levin Linton Long Loudon Luetkemeyer

Marble Merideth Murphy Myers Naeger

Pryor Robirds Schwab Scott Seigfreid

Townley Tudor Williams 159

NOES: 119

Abel Auer Backer Barnett Barry 100

Bartle Bennett Berkowitz Berkstresser Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dougherty

Farnen Fitzwater Foley Ford Franklin

Fraser Gambaro Gaskill George Graham 24

Gratz Green Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hosmer Howerton Kelley 47

Kelly 27 Kennedy Kissell Klindt Kreider

Lakin Lawson Legan Liese Lograsso

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Miller Monaco Murray

Nordwald O'Connor Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reid

Reinhart Relford Reynolds Ridgeway Rizzo

Ross Sallee Scheve Schilling Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Treadway

Troupe Van Zandt Vogel Ward Wiggins

Williams 121 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer Daniels 41 Hoppe Kasten Koller

Leake O'Toole Richardson Secrest Wagner

VACANCIES: 001

On motion of Representative Green, **HCS HB 4** was adopted.

On motion of Representative Green, **HCS HB 4** was ordered perfected and printed.

**HCS HB 5**, relating to appropriations, was taken up by Representative Green.

Representative Shields offered **House Amendment No. 1**.

**House Amendment No. 1** was withdrawn.

Representative Shields offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 5, Page 8, Section 5.160, Line 4, by deleting from said line the figure "525.709" and inserting in lieu thereof the figure "376.709" and further amend said section, line 5 by deleting the figure "2,205,378" and inserting the figure "2,056,378" and further amend said section, line 7 by deleting the figure "1,813,342" and inserting the figure "1,962,342" and further amend said section, line 8 by deleting the figure "4,051,839" and inserting the figure "4,200,839".

On motion of Representative Shields, **House Amendment No. 1** was adopted.

On motion of Representative Green, **HCS HB 5, as amended**, was adopted.

On motion of Representative Green, **HCS HB 5, as amended**, was ordered perfected and printed.

**HCS HB 6**, relating to appropriations, was taken up by Representative Scheve.

Representative Gratz offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 6, Page 12, Section 6.215, Line 9, by striking the figure 6,545,857 and inserting in lieu thereof the figure 4,128,326 and further amend said section line 12 by striking the figure \$6,718,853 and inserting in lieu thereof the figure \$4,301,322.

On motion of Representative Gratz, **House Amendment No. 1** was adopted.

Representative Foley offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 6, Page 27, Section 6.500, Line 13, by deleting the figure "119,090,127" and inserting in lieu thereof the figure "116,490,127".

On motion of Representative Foley, **House Amendment No. 2** was adopted.

Representative Bonner offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 6, Page 16, Section 6.270, Line 7, by inserting after all of said line the following:

"Section 6.271. To the Department of Natural Resources

For the Division of State Parks

For the purpose of funding a one time matching historic restoration grant to the City of Independence for the Memorial Building, which is a World War I memorial on the national register of historic places, to be used for refurbishing the Memorial Building as a public community center

From General Revenue Fund (0 F.T.E.) ..... \$2,000,000"; and

Further amend said bill, Page 28, by amending the BILL TOTALS accordingly.

Representative Bonner moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 046

Akin Alter Barnett Barry 100 Bartelsmeyer

Bartle Bennett Berkstresser Blunt Bonner

Boucher Champion Cierpiot Davis 122 Dolan

Enz Evans Froelker Gratz Griesheimer

Gunn Hartzler 123 Hartzler 124 Hendrickson Howerton

Kelley 47 King Levin Linton Lograsso

Long Loudon Luetkemeyer May 108 Mays 50

Merideth Monaco Pouche Reinhart Ridgeway

Rizzo Robirds Ross Sallee Scott

Townley

NOES: 100

Abel Auer Backer Ballard Berkowitz

Black Boatright Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Clayton

Crawford Crump Daniel 42 Davis 63 Days

Dougherty Elliott Farnen Fitzwater Ford

Foster Franklin Fraser Gambaro George

Gibbons Graham 106 Graham 24 Green Gross

Hampton Hanaway Harlan Hegeman Hilgemann



Holand Hollingsworth Hosmer Kelly 27 Kennedy  
Kissell Klindt Kreider Lakin Lawson  
Leake Liese Luetkenhaus Marble McBride  
McClelland McKenna McLuckie Miller Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pryor Purgason Ransdall Reid Relford  
Reynolds Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Surface Thompson 37 Thompson 72 Treadway  
Troupe Tudor Van Zandt Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Cooper Daniels 41 Foley Gaskill Hagan-Harrell  
Hickey Hohulin Hoppe Kasten Koller  
Legan Richardson Secrest Stokan Vogel  
Wagner

VACANCIES: 001

Representative Ballard offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 6, Page 3, Section 6.040, Line 5, by deleting 717,746 and inserting in lieu thereof the figure 737,746. Further amend said section, line 11, by deleting 2,125,942 and inserting in lieu thereof the figure 2,145,942 for the purpose of the Springfield farmers market promotions.

Representative Ballard moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

On motion of Representative Scheve, **HCS HB 6, as amended**, was adopted.

On motion of Representative Scheve, **HCS HB 6, as amended**, was ordered perfected and printed.

**HCS HB 7**, relating to appropriations, was taken up by Representative Scheve.

Representative Lawson offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 7, Page 11, Section 7.130, Line 7, by deleting the figure 13,773,740 and inserting in lieu thereof the figure 13,673,740 and further amend said section, line 10 by deleting the figure 13,795,451

and inserting in lieu thereof the figure 13,695,451 and further amend said section, line 13 by deleting the figure 18,188,306 and inserting in lieu thereof the figure 18,088,306.

On motion of Representative Lawson, **House Amendment No. 1** was adopted.

Representative Hollingsworth offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 7, Page 15, Section 7.835, Line 4, by striking the figure "6,461,225" and inserting in lieu thereof the figure "6,049,043" and further amend said section, line 7 by striking the figure "1,001,664" and inserting in lieu thereof the figure "993,084"; and further amend said section, line 10 by striking the figure "7,860,057" and inserting in lieu thereof the figure "7,439,295"; and further amend said section, line 15 by deleting it in its entirety and inserting in lieu thereof the line "Total (Not to exceed 151.50 F.T.E.)..... \$7,459,879".

On motion of Representative Lawson, **House Amendment No. 2** was adopted.

On motion of Representative Scheve, **HCS HB 7, as amended**, was adopted.

On motion of Representative Scheve, **HCS HB 7, as amended**, was ordered perfected and printed.

**HCS HB 8**, relating to appropriations, was taken up by Representative Lakin.

Representative Crump offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 8, Page 7, Section 8.095, Line 10, by striking the number "5,438,572" from said line and inserting in lieu thereof the number "4,799,883"; and

Further amend said page and section, line 11 by striking from said line the number "1,298,288" and inserting in lieu thereof the number "1,236,129"; and

Further amend said page and section, line 12 by striking from said line the number "6,736,860" and inserting in lieu thereof the number "6,036,012".

On motion of Representative Crump, **House Amendment No. 1** was adopted by the following vote:

AYES: 078

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Boatright

Bonner Burton Champion Chrismer Cierpiot

Crawford Crump Davis 63 Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Gratz Griesheimer Gross Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kelley 47 King Klindt

Legan Levin Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble Merideth

Miller Murphy Myers Naeger Nordwald

O'Connor Ostmann Patek Pouche Pryor  
Purgason Reid Reinhart Richardson Ridgeway  
Robirds Ross Sallee Schwab Scott  
Shields Summers Surface Townley Troupe  
Tudor Vogel Wright

NOES: 077

Abel Auer Backer Barry 100 Berkowitz  
Blunt Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Daniel 42 Davis 122  
Days Dolan Dougherty Farnen Fitzwater  
Foley Ford Franklin Fraser Gambaro  
George Graham 24 Green Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Kreider Lakin Lawson Leake Liese  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Monaco Murray O'Toole Overschmidt  
Parker Ransdall Relford Reynolds Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 72 Treadway  
Van Zandt Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper Daniels 41 Kasten Koller Secrest  
Thompson 37 Wagner

VACANCIES: 001

Representative Griesheimer offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 8, Page 12, Section 8.140, Line 3, by deleting the figure "\$3,046,735" and inserting in lieu thereof the figure "\$2,921,599"; and further amend said section, line 4, by deleting the figure "\$812,038" and inserting in lieu thereof the figure "\$772,598"; and further amend said section, line 5, by deleting the figure "\$3,858,773" and inserting in lieu thereof the figure "\$3,694,197"; and further amend said section, line 9 by deleting the line in its entirety and inserting in lieu thereof the line "Total (Not to exceed 82.35 F.T.E.).....\$3,951,361"

Representative Griesheimer moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Green offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 8, Page 15, Section 8.180, Line 5, by deleting the figure "341,121" and inserting in lieu thereof the figure "347,384"; and further amend said section, line 6 by deleting the figure "7,328,425" and inserting in lieu thereof the figure "7,334,688" and further amend said section, line 15, by deleting the figure "27,558,817" and inserting in lieu thereof the figure "27,565,080".

On motion of Representative Green, **House Amendment No. 3** was adopted.

Representative Levin offered **House Amendment No. 4**.

**House Amendment No. 4** was withdrawn.

Representative Crump, having voted on the prevailing side, moved that the vote by which **House Amendment No. 1** was adopted, be reconsidered.

Which motion was adopted by the following vote:

AYES: 099

Abel Auer Backer Barnett Barry 100

Bennett Berkowitz Black Blunt Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Clayton Crawford Crump

Daniel 42 Davis 122 Davis 63 Dolan Dougherty

Farnen Foley Franklin Fraser Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gunn Hagan-Harrell Hampton

Hanaway Hartzler 123 Hegeman Hilgemann Hollingsworth

Hoppe Hosmer Kelly 27 Kennedy Klindt

Kreider Lakin Lawson Legan Levin

Liese Loudon Luetkenhaus May 108 Mays 50

McBride McClelland McKenna Merideth Miller

Monaco Murray O'Connor O'Toole Overschmidt

Parker Patek Pouche Ransdall Reid

Relford Reynolds Richardson Rizzo Robirds

Sallee Scheve Schilling Scott Seigfreid

Selby Shelton Shields Skaggs Summers

Thompson 37 Thompson 72 Troupe Tudor Vogel

Ward Williams 159 Wright Mr. Speaker

NOES: 041



Akin Alter Ballard Bartelsmeyer Bartle  
Berkstresser Boatright Chrismer Cierpiot Elliott  
Enz Evans Foster Froelker Gibbons  
Gross Hartzler 124 Hendrickson Hohulin Holand  
Howerton Kelley 47 King Linton Lograsso  
Luetkemeyer Marble Murphy Myers Naeger  
Nordwald Ostmann Pryor Purgason Reinhart  
Ridgeway Ross Schwab Smith Surface  
Van Zandt

PRESENT: 002

Fitzwater McLuckie

ABSENT WITH LEAVE: 020

Bray 84 Cooper Daniels 41 Days Ford  
Harlan Hickey Kasten Kissell Koller  
Leake Long Secrest Stokan Townley  
Treadway Wagner Wiggins Williams 121 Wilson

VACANCIES: 001

**House Amendment No. 1** was withdrawn.

On motion of Representative Lakin, **HCS HB 8, as amended**, was adopted.

On motion of Representative Lakin, **HCS HB 8, as amended**, was ordered perfected and printed.

#### COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 789, HB 499, HB 426** and **HB 550**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **SB 169**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 169, Page 1, Section 42.105, Line 3, by striking the word "Missouri"; and

Further amend said bill, Page 1, Section 42.105, Line 4, by inserting immediately after the word "guard" the following: ", with preference given to the Missouri national guard.".

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **SB 188**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 812**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 987**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 808**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 965**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were read the first time and copies ordered printed:

**HCR 28**, introduced by Representative Ransdall, relating to a joint interim committee on funding of the hazardous waste fund and the hazardous waste remedial fund.

**HCR 29**, introduced by Representatives Kreider, Crump, Parker, Wiggins, Leake, Legan, Klindt, Robirds, Ballard, Howerton, Hohulin, Hegeman, Schwab, Berkowitz, Merideth, Britt, Tudor, Fitzwater, Hosmer, Seigfreid, Clayton, Hampton, Selby, Barry, Relford, Wagner, McKenna, Smith, Hilgemann and Williams (121), relating to the enforcement of the Packers and Stockyards Act of 1921.

**HCR 30**, introduced by Representative Clayton, relating to publishing of session laws.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1041**, introduced by Representatives Mays (50) and Burton, relating to certain internet access transport providers.

**HB 1042**, introduced by Representative Hendrickson, relating to the gaming proceeds for education fund.

**HB 1043**, introduced by Representative Schilling, relating to the sale and transfer of motor vehicles.

**HB 1044**, introduced by Representative Marble, relating to school funds.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 176**, entitled:

An act to repeal section 536.016, RSMo Supp. 1998, relating to administrative rules, and to enact in lieu thereof one new section, relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 326**, entitled:

An act to repeal section 198.439, RSMo Supp. 1998, relating to nursing facility reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 364**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 403**, entitled:

An act to repeal sections 33.285 and 33.577, RSMo 1994, relating to certain funds, and to enact in lieu thereof one new section relating to the same subject, with a contingent effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 466**, entitled:

An act to repeal sections 65.110 and 205.180, RSMo 1994, relating to elections of hospital trustees, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 205**, entitled:

An act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1998, relating to highway beautification, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 405**, entitled:

An act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, March 24, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-ninth Day, Monday, March 22, 1999, page 802, roll call, by showing Representatives Barnett,

Franklin, Hosmer, King, and Levin voting "aye" rather than "absent with leave".

Page 803, roll call, by showing Representatives King and McClelland voting "aye" rather than "absent with leave".

Page 804, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 804, roll call, by showing Representative King voting "no" rather than "absent with leave".

Page 805, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Page 806, roll call, by showing Representatives Dolan and King voting "aye" rather than "absent with leave".

Page 807, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Page 808, roll call, by showing Representatives King and Liese voting "aye" rather than "absent with leave".

Page 809, roll call, by showing Representatives King, Naeger and Parker voting "aye" rather than "absent with leave".

Page 810, roll call, by showing Representatives King, Parker and Reynolds voting "aye" rather than "absent with leave".

Page 811, roll call, by showing Representative Chrismer voting "aye" rather than "absent with leave".

Page 813, roll call, by showing Representative George voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, March 24, 1999. Hearing Room 9 upon morning adjournment.

To be considered - HB 13

### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, March 24, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow. AMENDED NOTICE.

To be considered - HB 901, HB 936, HB 1014

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, March 24, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

To be considered - SB 112, SB 124, SB 189, SB 264, SB 271, SB 321, SB 360,

Executive Session - HB 199, Executive Session - HB 534, Executive Session - HB 539,

Executive Session - HB 763, Executive Session - HB 829, Executive Session - HB 906,

Executive Session - HB 917

### **COMMERCE**

Wednesday, March 24, 1999, 9:00 am. Hearing Room 6. Executive session may follow.

To be considered - HB 944, SCR 10

### **CRIMINAL LAW**

Wednesday, March 24, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.



#### AMENDED NOTICE.

To be considered - HB 279, HB 455, HB 606, HB 913, HB 927, HJR 34, SB 237, SB 275

#### EDUCATION - HIGHER

Wednesday, March 24, 1999. Hearing Room 8 upon noon adjournment.

To be considered - SB 218, Executive Session - HB 563, Executive Session - HB 685

#### ENVIRONMENT AND ENERGY

Wednesday, March 24, 1999. Side gallery upon afternoon adjournment. Executive session.

#### ETHICS

Wednesday, March 24, 1999. Northeast side gallery upon morning adjournment.

Caucus approval: Freshman Democratic Caucus.

#### FISCAL REVIEW

Wednesday, March 24, 1999, 8:30 am. Hearing Room 9. Executive session.

To be considered - HB 26, HB 889, HB 988

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 24, 1999, 8:30 am. Hearing Room 8.

To be considered - SB 15, SB 136

#### JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, March 29, 1999, 1:15 pm. Hearing Room 5. Testimony from Joe Driskill, Director, Dept. of Economic Development.

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 25, 1999, 8:30 am. Hearing Room 5. Contested fiscal notes.

To be considered - HB 904, HB 981

#### MUNICIPAL CORPORATIONS

Wednesday, March 24, 1999. Hearing Room 7 upon morning adjournment.

To be considered - HB 1009, SB 76

#### PUBLIC HEALTH

Wednesday, March 24, 1999, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 994, SB 8, SB 25, SB 216, Executive Session - HB 746,  
Executive Session - HB 766

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Wednesday, March 24, 1999, 1:45 pm. Side gallery at time indicated or  
fifteen (15) minutes prior to afternoon session.

To be considered - Executive Session - HB 673

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Wednesday, March 24, 1999, 9:00 am. Hearing Room 7. Executive session.

To be considered - HR 366

**TOURISM, RECREATION AND CULTURAL AFFAIRS**

Wednesday, March 24, 1999. Side gallery upon morning adjournment.

Executive session.

**UTILITIES REGULATION**

Thursday, March 25, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - HB 900, SCR 2

**HOUSE CALENDAR**

FORTY-FIRST DAY, WEDNESDAY, MARCH 24, 1999

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 28 - through HCR 30

**HOUSE BILLS FOR SECOND READING**

HB 1041 through HB 1044

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

1 HCS HB 2, HSA 1 for HA 1, HA 1, pending, - Lakin

2 HCS HB 9 - Troupe

3 HCS HB 10 - Carter

4 HCS HB 11 - Troupe

5 HCS HB 12 - Lakin/Green

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 389 - Hoppe

2 HCS HB 818, as amended, HA 2, pending - Days

3 HB 753 - Rizzo

4 HCS HB 852 - Hosmer

5 HCS HB 850 & 851 - Hosmer

6 HCS HB 826 - Harlan

7 HB 401 - Barry

8 HCS HB 793 - Treadway

9 HCS HB 701 - Rizzo

10 HCS HB 603, 722 & 783 - Wiggins

11 HCS HB 822 - Liese

12 HCS HB 718, 225, 876 & 838 - Harlan

13 HB 115 - Kreider

14 HCS HB 441 - Riback Wilson

15 HCS HB 256 - George

16 HB 700 - Mays (50)

17 HCS HB 736, 515 & 508 - Hagan-Harrell

18 HCS HB 460 - O'Toole

19 HCS HB 911 - Clayton

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 166 - McLuckie

3 HB 492 - Hosmer

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 10, 1999)

1 HB 548 - Kennedy

(March 22, 1999)

2 HB 846 - Carter

3 HB 266 - Britt

4 HB 847 - Relford

5 HB 745 - Kreider

6 HB 452 - Boatright

7 HB 775 - Hosmer

8 HB 542 - Barry

9 HB 122 - Gaskill

(March 23, 1999)

10 HB 58 - Treadway

11 HB 903 - Auer

12 HB 926 - Liese

13 HB 748 - O'Toole

14 HB 415 - Vogel

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

HB 1 - Franklin

### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 889, (Fiscal Review 3-10-99) - Fitzwater
- 2 HS HCS HB 686 - Murray
- 3 HS HCS HB 26 & 117, (Fiscal Review 3-22-99) - Kreider
- 4 HCS HB 676, (Fiscal Review 3-23-99) - Days

### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 895 - Crump
- 2 HB 792 - Kissel
- 3 HB 500 - Koller
- 4 HB 930 - Ward
- 5 HB 328 - Parker
- 6 HB 915 - Mays (50)
- 7 HB 327 - Parker
- 8 HB 268 - Crawford
- 9 HB 499 - Hartzler (123)
- 10 HB 789 - Berkstresser
- 11 HB 426 - Ridgeway
- 12 HB 550 - Howerton

### **SENATE BILLS FOR SECOND READING**

- 1 SCS SB 176
- 2 SB 205
- 3 SB 326
- 4 SB 364
- 5 SB 403
- 6 SCS SB 405
- 7 SB 466

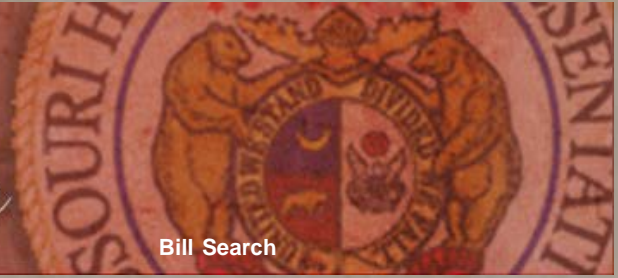


Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

FORTY-FIRST DAY, Wednesday, March 24, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, we take pride in so many things. Help us take pride in the truth, in honor, in service....and in doing Your will.

And help us to understand that when we try to live without You, we are unable to live with ourselves. Bless our nation, our state and this House with Your grace. And to You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Chris Kennaley, Lois Kathryn Kennaley, Kimberly Kennaley, Jamie Kiger, Chad Luman, Rejeana Heart, Amanda Whisenant, W. I. Ingram, Jana Miller, Sam Johnson, Baily Deveraux, Zach Holt, Josh Kendrick, Emmy Potter, Joanna Draffen, Erin Bottom and Emily Bottom.

The Journal of the fortieth day was approved as corrected by the following vote:

AYES: 148

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Pryor Ransdall Reid Reinhart  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Wilson Mr. Speaker

NOES: 005

Blunt Hanaway Patek Ridgeway Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Akin Daniels 41 Howerton Kasten Koller

Purgason Secrest Williams 121 Williams 159

VACANCIES: 001

#### **RESOLUTION OFFERED**

House Resolution No. 502 - Representatives Luetkenhaus and Riback Wilson

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 495 - Representative Monaco

House Resolution No. 497 - Representative Relford

House Resolution No. 498 - Representatives Gross and Bennett

House Resolution No. 499 through House Resolution No. 501 - Representative Campbell

House Resolution No. 503 - Representative Klindt

House Resolution No. 504 - Representative Franklin

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 28** through **HCR 30** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1041** through **HB 1044** were read the second time.

## SECOND READING OF SENATE BILLS

**SCS SB 176, SB 205, SB 326, SB 364, SB 403, SCS SB 405** and **SB 466** were read the second time.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HBs 26 & 117 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 889 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 3, HCS HB 4, HCS HB 5, HCS HB 6, HCS HB 7** and **HCS HB 8**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## PERFECTION OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 9**, relating to appropriations, was taken up by Representative Troupe.

Representative Patek offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 9, Pages 3 and 4, Section 9.050, Lines 6, 7, 8 and 9, by deleting all of said lines and inserting in lieu thereof the following:

"From General Revenue Fund \$95,921,758

From Working Capital Revolving Fund 449,813

From Inmate Revolving Fund 154,699

Total (Not to exceed 3,821.72 F.T.E.) \$96,526,270"

Representative Patek moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Troupe, **HCS HB 9** was adopted.

On motion of Representative Troupe, **HCS HB 9** was ordered perfected and printed.

**HCS HB 10**, relating to appropriations, was taken up by Representative Carter.

Representative Carter offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 10, Page 4, Section 10.060, by deleting the section in its entirety and inserting in lieu thereof the following:

"Section 10.060. There is transferred out of the State Treasury, chargeable to the General Revenue Reimbursements Fund, Eighty Million, Three Hundred Fifty-Two Thousand, Five Hundred and Seventy-Five Dollars (\$8,352,575), to the General Revenue Fund, provided that Three Million, Two Hundred Eighty-Four Thousand, Three Hundred Seventy-Four Dollars (\$3,284,374) of the transfer be solely for the purpose of reimbursing the Office of Administration for employee fringes attributable to employees currently paid from the General Revenue Fund who were previously paid from the General Revenue Reimbursements Fund

From General Revenue Reimbursements Fund \$8,352,575"

On motion of Representative Carter, **House Amendment No. 1** was adopted.

Representative Chrismer offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 10, Page 29, Section 10.705, Line 63, by deleting the figure "5,018,639" and inserting in lieu thereof the figure "5,728,639"; and

Further amend said section, line 65, by deleting the figure "6,483,458" and inserting in lieu thereof the figure "7,193,458".

Representative Chrismer moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Akin Ballard Barnett Bartle Bennett

Burton Chrismer Cooper Dolan Elliott

Enz Evans Foster Gaskill George

Gibbons Gross Hanaway Hendrickson Holand

Kelley 47 Kissell Linton Long Loudon

Luetkemeyer Marble Murphy Myers Naeger

Pouche Pryor Purgason Reynolds Richardson

Summers Surface Townley Tudor Wagner

Wright

NOES: 112

Abel Alter Auer Backer Barry 100

Bartelsmeyer Berkowitz Berkstresser Black Blunt



Boatright Bonner Boucher Boykins Bray 84  
Britt Campbell Carter Champion Cierpiot  
Clayton Crawford Crump Daniel 42 Davis 122  
Davis 63 Days Dougherty Farnen Fitzwater  
Foley Ford Franklin Fraser Gambaro  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hickey Hilgemann Hohulin  
Hollingsworth Hoppe Kelly 27 Kennedy King  
Klindt Kreider Lakin Lawson Leake  
Levin Liese Lograsso Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Ransdall Reid Reinhart Relford  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Van Zandt Vogel Ward Wiggins Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniels 41 Froelker Hosmer Howerton Kasten  
Koller Legan Secrest Williams 121

VACANCIES: 001

Representative Naeger offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 10, Pages 14 and 15, Section 10.420, Lines 7, 8 and 9, by deleting all of said section and inserting in lieu thereof the following:

"For the purpose of funding family support stipends pursuant to section 633.180, RSMo."

On motion of Representative Naeger, **House Amendment No. 3** was adopted.

On motion of Representative Carter, **HCS HB 10, as amended**, was adopted.

On motion of Representative Carter, **HCS HB 10, as amended**, was ordered perfected and printed.

On motion of Representative Crump, the House recessed until 2:15 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 505 - Representative Enz

House Resolution No. 506 - Representative Richardson

House Resolution No. 507 - Representative Chrismer

House Resolution No. 508 - Representative Ransdall

House Resolution No. 509 and House Resolution No. 510 - Representatives Richardson, Koller, Foster, Britt and Williams (159)

House Resolution No. 511 - Representative Merideth

House Resolution No. 512 - Representative McKenna

House Resolution No. 513 - Representative Hartzler (124)

House Resolution No. 514 - Representative Harlan

House Resolution No. 515 - Representative Graham (106)

House Resolution No. 516 - Representatives Foster and Richardson

#### **PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 11**, relating to appropriations, was taken up by Representative Troupe.

Representative Evans offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 11, Page 24, Section 11.445, Line 23, by deleting the words

"From General Revenue Fund \$143,000,000"

and inserting in lieu thereof

"From General Revenue Fund \$150,613,615"; and

Further amend said bill, Page 24, Section 11.445, Line 24, by deleting the words

"From Federal Funds \$281,000,000"

and inserting in lieu thereof

"From Federal Funds \$292,057,569"; and

Further amend said bill, Page 24, Section 11.445, Line 27, by deleting the words

"Total (0 F.T.E.) \$646,300,000"

and inserting in lieu thereof

"Total (0 F.T.E.) \$664,971,184".

Representative Liese assumed the Chair.

Speaker Gaw resumed the Chair.

Representative Luetkemeyer offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 11, Page 24, Section 11.445, Line 23, by deleting the words

"From General Revenue Fund \$143,000,000"

and inserting in lieu thereof

"From General Revenue Fund \$148,000,000"; and

Further amend said bill, Page 24, Section 11.445, Line 24, by deleting the words

"From Federal Funds \$281,000,000"

and inserting in lieu thereof

"From Federal Funds \$289,000,000"; and

Further amend said bill, Page 24, Section 11.445, Line 27, by deleting the words

"Total (0 F.T.E.) \$646,300,000"

and inserting in lieu thereof

"Total (0 F.T.E.) \$659,300,000"; and

Further amend said bill, Page 29, Section 11.525, Line 6, by deleting

"From General Revenue Fund \$6,680,000"

and inserting in lieu thereof

"From General Revenue Fund \$1,680,000"; and

Further amend said section, Line 12, by deleting the figure "\$53,300,000" and inserting in lieu thereof the figure "\$48,300,000".

On motion of Representative Luetkemeyer, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 093

Akin Alter Backer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Britt Burton Champion Chrismer

Cierpiot Clayton Crawford Davis 122 Dolan

Elliott Enz Evans Ford Foster

Froelker Gaskill Gibbons Graham 106 Gratz

Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kelley 47 Kennedy King Klindt  
Kreider Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Marble  
Mays 50 McBride Merideth Miller Myers  
Naeger Nordwald Ostmann Parker Patek  
Pouche Pryor Purgason Reid Reinhart  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Schwab Scott Shields Summers  
Surface Townley Treadway Tudor Vogel  
Wiggins Williams 159 Wright

NOES: 064

Abel Auer Boykins Bray 84 Campbell  
Carter Crump Daniel 42 Davis 63 Days  
Dougherty Farnen Fitzwater Foley Franklin  
Fraser Gambaro George Graham 24 Green  
Gunn Hagan-Harrell Harlan Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Kelly 27 Kissell  
Lakin Lawson Leake Luetkenhaus May 108  
McClelland McKenna McLuckie Monaco Murphy  
Murray O'Connor O'Toole Overschmidt Ransdall  
Relford Reynolds Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Troupe Van Zandt Wagner  
Ward Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper Daniels 41 Kasten Koller Secrest

VACANCIES: 001

Representative Troupe offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 11, Page 17, Section 11.255, Line 7, by deleting the number \$32,100,000 and inserting in lieu thereof the number "\$31,975,000"; and

Further amend said Section, Line 9, by deleting the number \$64,450,000 and inserting in lieu thereof the number



"\$64,325,000"; and

Further amend said bill, Page 16, Section 11.250, Line 10, by inserting immediately following the word "families" the following "including \$125,000 for additional funding for Court Appointed Special Advocates (CASA) Programs as follows: \$25,000 for the Seventeenth Judicial Circuit and \$100,000 for the Twenty-Second Judicial Circuit"; and

Further amend said Section, Line 11, by deleting the number \$9,990,000 and inserting in lieu thereof the number "\$10,115,000"; and

Further amend said Section, Line 35, by deleting the number \$93,900,000 and inserting in lieu thereof the number "\$94,025,000".

On motion of Representative Troupe, **House Amendment No. 2** was adopted.

Representative Holand offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 11, Page 26, Section 11.470, Line 6, by inserting after the word "services" the following:

"And for increased physician reimbursement for services provided to women less than 26 months postpartum."

On motion of Representative Holand, **House Amendment No. 3** was adopted.

Representative Holand offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 11, Page 20, Section 11.400, Line 2, by inserting immediately following the word "Services" the following: ", provided that \$77,000 of General Revenue Fund, Expense and equipment appropriated herein shall be used to fund a Donated Dental Services Program"; and

Further amend said bill, Page 23, Section 11.435, Line 4, by inserting immediately following the word "program" the following: ", provided that the \$500,000 appropriated herein for rural and pediatric rural dental care shall not be used for said purposes, but shall rather be used to provide dental rate increases targeted to increase provider participation."

Representative Holand moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

On motion of Representative Troupe, **HCS HB 11, as amended**, was adopted.

On motion of Representative Troupe, **HCS HB 11, as amended**, was ordered perfected and printed.

**HCS HB 12**, relating to appropriations, was taken up by Representative Lakin.

Representative Green offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 12, Pages 9 & 10, Section 12.145, Lines 1-6, by deleting all of said section.

On motion of Representative Green, **House Amendment No. 1** was adopted.

Representative Boucher offered **House Amendment No. 2**.

Representative Monaco raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Green, **HCS HB 12, as amended**, was adopted.

On motion of Representative Green, **HCS HB 12, as amended**, was ordered perfected and printed.

**HCS HB 2, with House Substitute Amendment No. 1 for House Amendment No. 1, and House Amendment No. 1, pending**, relating to appropriations, was taken up by Representative Lakin.

**House Substitute Amendment No. 1 for House Amendment No. 1** was withdrawn.

**House Amendment No. 1** was withdrawn.

Representative Reid offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Section 2.060, Line 5, by deleting the number "\$627,579,460E" and inserting in lieu thereof the number "\$655,035,082E"; and

Further amend said bill, Page 2, Section 2.060, Line 5, by inserting after said line the following:

"Section 2.061. To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the

General Revenue Fund, Twenty-Seven Million, Four

Hundred Fifty-Five Thousand, Six Hundred Twenty-Two

Dollars to the School District Trust Fund

From General Revenue Fund \$27,455,622E".

Representative Reid moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton  
Kelley 47 King Klindt Levin Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reid Reinhart Richardson Ridgeway  
Robirds Ross Sallee Schwab Scott  
Shields Summers Surface Townley Tudor  
Vogel Wright

NOES: 078

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Clayton Crump Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kreider  
Lakin Lawson Leake Liese May 108  
Mays 50 McBride McKenna McLuckie Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Carter Cooper Daniel 42 Daniels 41 Kasten  
Kissell Koller Legan Linton Luetkenhaus  
Rizzo Secrest

VACANCIES: 001

Representative Lakin offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Sections 2.015, 2.020 and 2.315, by deleting said sections and inserting in lieu thereof the following:

Section 2.015. To the Department of Elementary and Secondary Education

For payment of construction and site acquisition costs to accommodate any reasonably anticipated net enrollment increase caused by any reduction or elimination of the voluntary transfer plan as approved by the United States Court of Eastern Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund \$ 28,500,000

For payments to the Metropolitan Schools

Achieving Value in Transfer Corporation

established by Section 162.1060 RSMo

From General Revenue Fund 25,000,000

Total \$ 53,500,000

Section 2.020. To the Department of Elementary and Secondary Education

For the purpose of funding distributions to the free public schools under the School Foundation Program as provided in Chapter 163, RSMo, as follows: At least One Billion, Four Hundred Eighty-Three Million, Four Hundred Twenty-One Thousand, Seven Hundred Eighty Dollars (\$1,483,421,780) for the Equity Formula; and Three Hundred Five Million, Four Hundred Ninety-One Thousand, Five Hundred Fifty-One Dollars (\$305,491,551) for Line 14 At-Risk Program; and no more than One Hundred Forty-Five Million, Five Hundred Ninety-Six Thousand, Five Hundred Twenty-Five Dollars (\$145,596,525) for Transportation; One Hundred Forty-Four Million, Six Hundred Seventeen Thousand, Nine Hundred Eighty-Two Dollars (\$144,617,982) for Special Education; Eleven Million, Ninety-Six Thousand, Nine Hundred Twenty-Five Dollars (\$11,096,925) for Remedial Reading; Forty-Seven Million, Three Hundred Forty-Six Thousand, Nine Hundred Eighty-Four Dollars (\$47,346,984) for Early Childhood Special Education; Twenty-Three Million, One Hundred Forty-Seven Thousand, Seven Hundred Twenty-Five Dollars (\$23,147,725) for Gifted Education; Thirty-Seven Million, Six Hundred Fifty-Two Thousand, One Hundred Sixty-Five Dollars (\$37,652,165) for Career Ladder; Fifty-Five Million, One Hundred Thirty-Eight Thousand, Twenty-Eight Dollars (\$55,138,028) for Vocational Education; and Twenty-Seven Million, Two Hundred Four Thousand, Six Hundred Fifty-One Dollars (\$27,204,651) for Early Childhood Development

From General Revenue Fund \$ 102,819,884

From Outstanding Schools Trust Fund 444,185,268 E

From State School Moneys Fund 1,683,750,053

From Lottery Proceeds Fund 49,959,111

For the purpose of funding the State Board of Education operated school programs

Personal Service and/or Expense and Equipment

From General Revenue Fund 42,679,164

From Federal Funds 3,000,000

From Bingo Proceeds for Education Fund 1,707,167

Total (Not to exceed 948.90 F.T.E.) \$ 2,328,100,647

Section 2.315. To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Billion, Four Hundred Seventy Million, Nine Hundred Forty-Five Thousand, One Hundred Eight Dollars (\$1,470,945,108) to the State School Moneys Fund

From General Revenue Fund \$ 1,470,945,108"

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*



AMEND House Committee Substitute for House Bill No. 2, Page 2, Sections 2.015, 2.020 and 2.315, by deleting said sections and inserting in lieu thereof the following:

"Section 2.015. To the Department of Elementary and Secondary Education

For payment of construction and site acquisition costs to accommodate any reasonably anticipated net enrollment increase caused by any reduction or elimination of the voluntary transfer plan as approved by the United States Court of Eastern Missouri pursuant to Senate Bill 781 (1998)

From General Revenue Fund \$ 28,500,000

For payments to the Metropolitan Schools

Achieving Value in Transfer Corporation

established by Section 162.1060, RSMo

From General Revenue Fund 25,000,000

Total \$ 53,500,000

Section 2.020. To the Department of Elementary and Secondary Education

For the purpose of funding distributions to the free public schools under the School Foundation Program as provided in Chapter 163, RSMo, as follows: At least One Billion, Four Hundred Eighty-Three Million, Four Hundred Twenty-One Thousand, Seven Hundred Eighty Dollars (\$1,483,421,780) for the Equity Formula; and Three Hundred Five Million, Four Hundred Ninety-One Thousand, Five Hundred Fifty-One Dollars (\$305,491,551) for Line 14 At-Risk Program; and no more than One Hundred Fifty-Six Million, Eighty-Six Thousand, Nine Hundred Two Dollars (\$156,086,902) for Transportation; One Hundred Fifty-Two Million, Seven Hundred Twenty-Seven Thousand, Six Hundred Five Dollars (\$152,727,605) for Special Education; Eleven Million, Ninety-Six Thousand, Nine Hundred Twenty-Five Dollars (\$11,096,925) for Remedial Reading; Forty-Seven Million, Three Hundred Forty-Six Thousand, Nine Hundred Eighty-Four Dollars (\$47,346,984) for Early Childhood Special Education; Twenty-Three Million, One Hundred Forty-Seven Thousand, Seven Hundred Twenty-Five Dollars (\$23,147,725) for Gifted Education; Thirty-Seven Million, Six Hundred Fifty-Two Thousand, One Hundred Sixty-Five Dollars (\$37,652,165) for Career Ladder; Fifty-Five Million, One Hundred Thirty-Eight Thousand, Twenty-Eight Dollars (\$55,138,028) for Vocational Education; and Twenty-Seven Million, Two Hundred Four Thousand, Six Hundred Fifty-One Dollars (\$27,204,651) for Early Childhood Development

From General Revenue Fund \$ 121,419,884

From Outstanding Schools Trust Fund 444,185,268E

From State School Moneys Fund 1,683,750,053

From Lottery Proceeds Fund 49,959,111

For the purpose of funding the State Board of Education operated school programs

Personal Service and/or Expense and Equipment

From General Revenue Fund 42,679,164

From Federal Funds 3,000,000

From Bingo Proceeds for Education Fund 1,707,167

Total (Not to exceed 948.90 F.T.E.) \$ 2,346,700,647

Section 2.315. To the Department of Elementary and Secondary Education

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Billion, Four Hundred Seventy Million, Nine Hundred Forty-Five Thousand, One Hundred Eight Dollars (\$1,470,945,108) to the State School Moneys Fund

From General Revenue Fund \$ 1,470,945,108"

Representative Patek moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Gaskill Gibbons Graham 106 Griesheimer  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Howerton Kelley 47  
King Klindt Kreider Legan Levin  
Lograsso Loudon Luetkemeyer Marble McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reid Reinhart Richardson Ridgeway  
Robirds Ross Sallee Schwab Scott  
Shields Summers Surface Townley Tudor  
Wright

NOES: 080

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Davis 122  
Davis 63 Days Dougherty Farnen Fitzwater  
Foley Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Lakin Lawson Leake Liese Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murray O'Connor O'Toole Overschmidt  
Parker Ransdall Relford Reynolds Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Cooper Daniel 42 Daniels 41 Ford Froelker  
Kasten Koller Linton Long Secrest

Vogel

VACANCIES: 001

On motion of Representative Lakin, **House Amendment No. 2** was adopted.

On motion of Representative Lakin, **HCS HB 2, as amended**, was adopted.

On motion of Representative Lakin, **HCS HB 2, as amended**, was ordered perfected and printed.

#### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 1040** - Local Government and Related Matters

#### RE-REFERRAL OF SENATE BILL

The following Senate Bill was re-referred to the Committee indicated:

**SCS SBs 160 & 82** - Local Government and Related Matters

#### COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 2, HCS HB 9, HCS HB 10, HCS HB 11** and **HCS HB 12**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 548**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SCR 10**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Senate Concurrent Resolution No. 10

WHEREAS, the current financial crises in Asia, Russia and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries and a collapse in the domestic demand for steel in those countries; and

WHEREAS, these crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately has a detrimental effect on this state's economy; and

WHEREAS, there is a well recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, requests the President of the United States to commence immediate study to determine the entry into the customs territory of the United States of all steel products that are the product of or are manufactured in Australia, China,

South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to immediately impose a one-year ban on imports of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to Bill Clinton, President of the United States.

**Committee on Consumer Protection and Housing**, Chairman Schilling reporting:

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **HB 192** and **HB 945**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Higher**, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 230**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HEC 2**, begs leave to report it has examined the same and recommends that **House Resolution No. 496 Do pass**.

#### House Resolution No. 496

WHEREAS, on November 3, 1998, an election for state representative was held in District No. 149; and

WHEREAS, the results of the election were 5,179 votes for McBride and 5,150 votes for May; and

WHEREAS, on November 30, 1998, contestant May filed a request for a recount; and

WHEREAS, a recount of the election returns occurred on December 9, 1998; and

WHEREAS, the results of the recount were 5,182 votes for McBride and 5,151 votes for May; and

WHEREAS, pursuant Article III, Section 18 of the constitution, the Missouri House of Representatives is the sole judge of the qualifications of its members; and

WHEREAS, the Elections Committee of the Missouri House of Representatives met on February 16, 1999, and unanimously decided who had the burden of proof and what the standard of proof should be; and

WHEREAS, the committee unanimously passed a motion that the contestant, Robert May, would carry the burden of proof; and

WHEREAS, the committee unanimously passed a motion that the evidence must convince a majority of committee members that irregularities of sufficient magnitude occurred to cast doubt on the validity of the election; and

WHEREAS, the parties provided the committee with written briefs; and



WHEREAS, the committee met on March 9, 1999, and heard oral arguments; and

WHEREAS, the contestant, Robert May, requested as a remedy a new election pursuant to Section 115.593, RSMo; and

WHEREAS, the relief sought is a drastic remedy; and

WHEREAS, after consideration of the evidence and presentations of both parties, the Missouri House of Representatives has determined that Robert May has failed to carry his burden of proof as set forth by the Elections Committee because he failed to demonstrate irregularities of sufficient magnitude occurred to cast doubt on the validity of the election;

NOW, THEREFORE BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, that the election contest of Robert L. May v. Jerry E. McBride in the 149th District be dismissed and that Jerry E. McBride remain seated as the representative of the 149th District.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 780**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 180**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **THE FRESHMEN DEMOCRATIC CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473.3(2)(c)d RSMo**.

TO: State Representative Robert Clayton

FROM: State Representative Wes Wagner

DATE: March 9, 1999

RE: Freshman Democratic Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Freshman Democrat Caucus.

Representative District

/s/ Abel, Mark 103

/s/ Berkowitz, Sam 1

/s/ Boykins, Amber (Holly) 60

/s/ Britt, Phillip 163

/s/ Fraser, Barbara 83

/s/ Gambaro, Derio 65

/s/ Thomas, George 74

/s/ Hampton, Mark 147

/s/ McKenna, Ryan 102

/s/ Selby, Harold 105

/s/ Wagner, Wes 104

/s/ Ward, Dan 107

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 988**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 278**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 296**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 673**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 979**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HB 636**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 4**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 31**, introduced by Representative Scott, et al, relating to the plan of the U. S. Census Bureau to use statistical sampling in the decennial census.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1045**, introduced by Representative Kennedy, relating to trust funds of the court.

**HB 1046**, introduced by Representatives McLuckie, Hickey, May (108), Harlan, Kissell, Green and Monaco, et al, relating to a permanent memorial for workers killed or injured on the job.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 261**, entitled:

An act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to the treatment of tuberculosis, and to enact in lieu thereof three new sections relating the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 270**, entitled:

An act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 334**, entitled:

An act to repeal section 260.565, RSMo 1994, relating to voluntary remediation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 424**, entitled:

An act to repeal sections 340.200, 340.202, 340.204, 340.206, 340.214, 340.216, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.236, 340.238, 340.240, 340.244, 340.246, 340.248, 340.250, 340.252, 340.254, 340.256, 340.258, 340.260, 340.262, 340.264, 340.288, 340.300, 340.302, 340.304, 340.306, 340.308, 340.312, 340.318, 340.320, 340.322 and 340.324, RSMo 1994, and section 340.210, RSMo Supp. 1998, relating to veterinarians, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 434**, entitled:

An act to authorize the director of the department of natural resources to grant easements in Route 66 State Park in St. Louis County and to authorize the annexation of state property into the City of Maryville.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 352**, entitled:

An act to amend chapter 301, RSMo, by adding thereto one new section relating to conservation license plates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 435**, entitled:

An act to authorize the director of the department of natural resources to grant an easement in Taum Sauk Mountain State Park in Iron County.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 438**, entitled:

An act to repeal sections 32.090 and 32.091, RSMo Supp. 1998, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 479**, entitled:

An act to repeal section 323.060, RSMo Supp. 1998, relating to petroleum gas retailers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, March 25, 1999.

#### **COMMITTEE MEETINGS**

##### **BUDGET**

Monday, March 29, 1999, 2:00 pm. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Tuesday, March 30, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Tuesday, March 30, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 17, HB 18

##### **BUDGET**

Wednesday, March 31, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Wednesday, March 31, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 17, HB 18

##### **BUDGET**

Thursday, April 1, 1999, 8:00 am. Hearing Room 6.



To be considered - HB 17, HB 18

#### BUDGET

Thursday, April 1, 1999. Hearing Room 6 upon morning adjournment if needed.

To be considered - HB 17, HB 18

#### CRITICAL ISSUES

Monday, March 29, 1999, 8:00 pm. Hearing Room 6.

To be considered - HB 884, HB 995, HJR 35, SB 276, SCR 8, Executive Session - HB 200, Executive Session - HB 489, Executive Session - HB 667, Executive Session - HB 837

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 30, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 193, HB 466, HB 964, SB 163

#### ELECTIONS

Wednesday, March 31, 1999, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 345, HJR 30, SB 31, Executive Session - HB 182,  
Executive Session - HB 297, Executive Session - HB 345

#### FISCAL REVIEW

Thursday, March 25, 1999, 8:30 am. Hearing Rooms 1 and 2. Executive session.

Fiscal note HCS HB 676.

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, March 25, 1999, 9:45 am. Third floor rotunda. Reconsideration  
of Dept. of Insurance, Division of Life, Annuities and Health. 20 CSR 400-3.650

#### JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, March 29, 1999, 1:15 pm. Hearing Room 5. Testimony from Joe Driskill, Director,  
Dept. of Economic Development.

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 25, 1999, 8:30 am. Hearing Room 5. Contested fiscal notes.

To be considered - HB 904, HB 981

#### JOINT COMMITTEE ON WETLANDS

Thursday, March 25, 1999, 8:30 am. Hearing Room 7. Update and informational meeting.  
Representatives from the MO Dept. of Natural Resources in attendance.

#### JUDICIARY

Tuesday, March 30, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - HB 639, HB 896, HB 1011, SB 170, SB 266, SB 299

## UTILITIES REGULATION

Thursday, March 25, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - HB 900, SCR 2

## HOUSE CALENDAR

FORTY-SECOND DAY, THURSDAY, MARCH 25, 1999

## HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 31

## HOUSE BILLS FOR SECOND READING

HB 1045 and HB 1046

## HOUSE BILLS FOR PERFECTION

- 1 HCS HB 389 - Hoppe
- 2 HCS HB 818, as amended, HA 2, pending - Days
- 3 HB 753 - Rizzo
- 4 HCS HB 852 - Hosmer
- 5 HCS HB 850 & 851 - Hosmer
- 6 HCS HB 826 - Harlan
- 7 HB 401 - Barry
- 8 HCS HB 793 - Treadway
- 9 HCS HB 701 - Rizzo
- 10 HCS HB 603, 722 & 783 - Wiggins
- 11 HCS HB 822 - Liese
- 12 HCS HB 718, 225, 876 & 838 - Harlan
- 13 HB 115 - Kreider
- 14 HCS HB 441 - Riback Wilson
- 15 HCS HB 256 - George
- 16 HB 700 - Mays (50)
- 17 HCS HB 736, 515 & 508 - Hagan-Harrell
- 18 HCS HB 460 - O'Toole
- 19 HCS HB 911 - Clayton

## HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 2 HCS HB 166 - McLuckie
- 3 HB 492 - Hosmer

## HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HB 454 - Carter

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 22, 1999)

1 HB 846 - Carter

2 HB 266 - Britt

3 HB 847 - Relford

4 HB 745 - Kreider

5 HB 452 - Boatright

6 HB 775 - Hosmer

7 HB 542 - Barry

8 HB 122 - Gaskill

(March 23, 1999)

9 HB 58 - Treadway

10 HB 903 - Auer

11 HB 926 - Liese

12 HB 748 - O'Toole

13 HB 415 - Vogel

(March 24, 1999)

14 HB 965 - Riback Wilson

15 HB 812 - Berkowitz

16 HB 987 - Backer

17 HB 808 - Naeger

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

1 HB 1 - Franklin

2 HCS HB 2 - Lakin

3 HCS HB 3 - Lakin

4 HCS HB 4 - Green

5 HCS HB 5 - Green

6 HCS HB 6 - Scheve

7 HCS HB 7 - Scheve

8 HCS HB 8 - Lakin

- 9 HCS HB 9 - Troupe
- 10 HCS HB 10 - Carter
- 11 HCS HB 11 - Troupe
- 12 HCS HB 12 - Lakin/Green

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 889 - Fitzwater
- 2 HS HCS HB 686 - Murray
- 3 HS HCS HB 26 & 117 - Luetkenhaus
- 4 HCS HB 676, (Fiscal Review 3-23-99) - Days

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 895 - Crump
- 2 HB 792 - Kissel
- 3 HB 500 - Koller
- 4 HB 930 - Ward
- 5 HB 328 - Parker
- 6 HB 915 - Mays (50)
- 7 HB 327 - Parker
- 8 HB 268 - Crawford
- 9 HB 499 - Hartzler (123)
- 10 HB 789 - Berkstresser
- 11 HB 426 - Ridgeway
- 12 HB 550 - Howerton
- 13 HB 548 - Kennedy

#### **SENATE BILLS FOR SECOND READING**

- 1 SCS SB 261
- 2 SB 270
- 3 SCS SB 334
- 4 SB 352
- 5 SB 424
- 6 SB 434
- 7 SB 435
- 8 SCS SB 438
- 9 SB 479

#### **SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 169 - Boucher
- 2 SB 188 - Smith

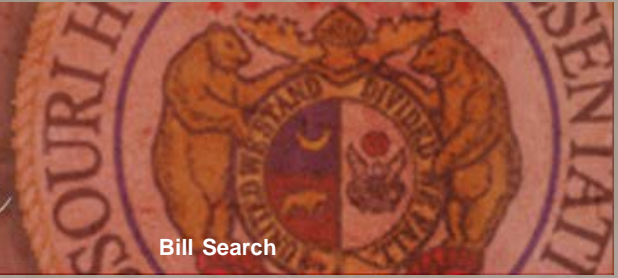






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## House Journal

First Regular Session, 90th General Assembly

FORTY-SECOND DAY, Thursday, March 25, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Ralph Robinett, Sergeant at Arms.

Dear Heavenly Father,

How comforting it is to know we can cast all our anxieties on You because You care for us. Keep us self-controlled and alert because Your enemy, the devil, prowls around like a roaring lion looking for someone to devour. Help us resist him and keep us standing firm in the faith.

And the God of all Grace, who called you to His eternal glory in Christ...will Himself restore you and make you strong, firm and steadfast. To Him be the glory and power for ever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Stephanie Heimos, Emily Klos, Craig Nicoletti, Eric Roth-Roffy, Lauren Albani, Brad Birkel, Blake Corcoran, Genevieve Winter, Tyler Dennis, Cody Dennis, Aubree Dennis, Ricky Linder, Bradley Linder, Jerri Black, Anthony Black, Chuck Sailor, Ryan Hoefling, Brandon Frakes, J.D. Lawrence, Bryan Champ, Amanda Gregory, Rachel Pepper, Heather Burdette, Heather Parrott and Ashley Hickman.

The Journal of the forty-first day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 517 - Representative Backer

House Resolution No. 518 and House Resolution No. 519 - Representative Ridgeway

House Resolution No. 520 - Representative Berkstresser

House Resolution No. 521 - Representative Hollingsworth

House Resolution No. 522 - Representative Rizzo

House Resolution No. 523 and House Resolution No. 524 - Representative Purgason

House Resolution No. 525 - Representatives Britt, Merideth, Richardson, Williams (159), Myers, Black, Koller and Foster

### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 31** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 1045** and **HB 1046** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SCS SB 261, SB 270, SCS SB 334, SB 352, SB 424, SB 434, SB 435, SCS SB 438** and **SB 479** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **CCS HB 14**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 676 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 1**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HB 1** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Kreider Lakin Lawson

Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten  
Klindt Koller Secrest

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Backer, title to the bill was agreed to.

Representative Abel moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 2**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 2** was read the third time and passed by the following vote:

AYES: 124

Abel Alter Auer Backer Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Black Bonner Boucher Bray 84 Britt



Burton Campbell Carter Champion Cierpiot  
Clayton Cooper Crump Davis 122 Davis 63  
Days Dougherty Enz Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro George Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy Kissell Klindt Kreider Lakin  
Lawson Leake Legan Levin Liese  
Lograsso Long Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Ransdall Reid Reinhart Relford Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 027

Akin Ballard Blunt Boatright Chrismer  
Crawford Elliott Evans Gaskill Gibbons  
Hanaway Hohulin King Linton Loudon  
Luetkemeyer Marble Murphy Myers Naeger  
Patek Pryor Purgason Richardson Scott  
Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartelsmeyer Boykins Daniel 42 Daniels 41 Dolan  
Hartzler 124 Kasten Koller Reynolds Secrest  
Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 3**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 3** was read the third time and passed by the following vote:

AYES: 143

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Long Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 009

Bartle Blunt Evans Hanaway Hohulin

Linton Loudon Murphy Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten

Koller Luetkemeyer Pryor Secrest Troupe

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hickey, title to the bill was agreed to.

Representative Kelly (27) moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

Representative Hosmer assumed the Chair.

**HCS HB 4**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 4** was read the third time and passed by the following vote:

AYES: 124

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bennett Berkowitz Berkstresser

Black Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Clayton

Cooper Crump Davis 122 Davis 63 Days

Dolan Dougherty Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hegeman Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kelly 27 Kennedy Kissell

Klindt Kreider Lakin Lawson Leake

Legan Levin Liese Long Luetkenhaus

May 108 Mays 50 McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Ransdall Reid  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 030

Akin Bartelsmeyer Bartle Blunt Boatright  
Chrismer Cierpiot Crawford Elliott Enz  
Evans Froelker Gross Hanaway Hendrickson  
Hohulin King Linton Lograsso Loudon  
Luetkemeyer Marble Nordwald Patek Pryor  
Purgason Reinhart Ridgeway Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten  
Koller McBride Secrest

VACANCIES: 001

Representative Hosmer declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 5**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 5** was read the third time and passed by the following vote:

AYES: 114

Abel Alter Auer Backer Ballard



Barnett Barry 100 Bennett Berkowitz Bonner  
Boucher Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Clayton Cooper  
Crump Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Harlan Hartzler 123 Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Kelley 47 Kelly 27  
Kennedy Kissell Klindt Kreider Lakin  
Lawson Leake Legan Levin Liese  
Long Luetkenhaus May 108 Mays 50 McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Ransdall Reid Relford  
Reynolds Richardson Rizzo Ross Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Stokan Surface  
Thompson 37 Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 039

Akin Bartelsmeyer Bartle Berkstresser Black  
Blunt Boatright Cierpiot Crawford Enz  
Evans Foster Froelker Gibbons Hanaway  
Hegeman Hendrickson Hohulin Howerton King  
Linton Lograsso Loudon Luetkemeyer Marble  
Murphy Myers Naeger Nordwald Patek  
Pryor Purgason Reinhart Ridgeway Robirds  
Sallee Smith Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten  
Koller McBride Secrest Troupe

VACANCIES: 001

Representative Hosmer declared the bill passed.

On motion of Representative Murray, title to the bill was agreed to.

Representative O'Connor moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 6**, relating to appropriations, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HB 6** was read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Berkowitz

Berkstresser Black Boatright Bonner Boucher

Bray 84 Britt Burton Campbell Carter

Champion Cierpiot Clayton Cooper Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 016

Bartle Bennett Blunt Chrismer Evans

Froelker Griesheimer Gross Hanaway Hohulin

Luetkemeyer Nordwald Pryor Purgason Summers

Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten

Koller Secrest

VACANCIES: 001

Representative Hosmer declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 7**, relating to appropriations, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HB 7** was read the third time and passed by the following vote:

AYES: 126

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Bonner Boucher Bray 84

Britt Burton Campbell Carter Champion

Clayton Cooper Crump Davis 122 Davis 63

Days Dolan Dougherty Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 King

Kissell Klindt Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Purgason  
Ransdall Reid Relford Reynolds Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 027

Akin Bartle Blunt Boatright Chrismer  
Cierpiot Crawford Elliott Enz Evans  
Froelker Gibbons Gross Hanaway Hohulin  
Levin Linton Lograsso Loudon Luetkemeyer  
Murphy Nordwald Patek Pryor Reinhart  
Ridgeway Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten  
Kennedy Koller Secrest Shields

VACANCIES: 001

Representative Hosmer declared the bill passed.

On motion of Representative McBride , title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 8**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 8** was read the third time and passed by the following vote:



AYES: 129

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Boatright Boucher Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Davis 122 Davis 63 Days Dougherty  
Enz Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Graham 106 Graham 24 Gratz  
Green Gross Gunn Hampton Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kelley 47 Kelly 27 Kennedy Kissell Klindt  
Kreider Lakin Leake Legan Liese  
Lograsso Long Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Monaco Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 019

Akin Bartle Blunt Elliott Evans  
Gibbons Griesheimer Hanaway Hohulin King  
Linton Loudon Luetkemeyer Miller Murphy  
Nordwald Pryor Townley Wright

PRESENT: 003

Bonner Dolan Patek

ABSENT WITH LEAVE: 011

Boykins Daniel 42 Daniels 41 Hagan-Harrell Hartzler 124

Kasten Koller Lawson Levin Secrest

Treadway

VACANCIES: 001

Representative Hosmer declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Troupe moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 9**, relating to appropriations, was taken up by Representative Troupe.

On motion of Representative Troupe, **HCS HB 9** was read the third time and passed by the following vote:

AYES: 141

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Kreider Lakin

Lawson Leake Legan Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 009

Blunt Elliott Hanaway Hohulin Luetkemeyer

Nordwald Parker Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Boykins Daniel 42 Daniels 41 Fraser Hartzler 124

Kasten Koller Levin McBride Sallee

Secrest Troupe

VACANCIES: 001

Representative Hosmer declared the bill passed.

On motion of Representative Ladd Stokan, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Berkowitz moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 10**, relating to appropriations, was taken up by Representative Carter.

Representative Carter offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 10, Page 29, Section 10.705, Line 63, by deleting the figure "5,728,639" and inserting in lieu thereof the figure "5,018,639"; and

Further amend said section, line 65, by deleting the figure "7,193,458" and inserting in lieu thereof the figure "6,483,458".

On motion of Representative Carter, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Carter, **HCS HB 10, as amended**, was read the third time and passed by the following vote:

AYES: 129

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Bonner Boucher Bray 84  
Britt Burton Campbell Carter Champion  
Cierpiot Clayton Cooper Crump Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Harlan Hartzler 123 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Lakin Lawson Leake Legan  
Liese Lograsso Long Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Van Zandt Wagner Ward  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 019

Ballard Bartle Blunt Boatright Chrismer  
Crawford Elliott Hanaway Hohulin Linton  
Loudon Luetkemeyer Murphy Pryor Purgason  
Robirds Summers Wiggins Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Boykins Daniel 42 Daniels 41 Fraser Froelker  
Hartzler 124 Kasten King Koller Kreider  
Levin Secrest Tudor Vogel

VACANCIES: 001



Representative Hosmer declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

**HCS HB 11**, relating to appropriations, was taken up by Representative Troupe.

On motion of Representative Troupe, **HCS HB 11** was read the third time and passed by the following vote:

AYES: 125

Abel Alter Auer Barnett Barry 100

Bartelsmeyer Bennett Berkowitz Berkstresser Black

Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Crawford Crump Davis 122 Davis 63

Days Dougherty Enz Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kelly 27 Kennedy Kissell Klindt Kreider

Lakin Lawson Leake Legan Liese

Long Luetkemeyer May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Stokan

Summers Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 022

Akin Ballard Bartle Blunt Boatright  
Chrismer Elliott Evans Gross Hanaway  
Linton Lograsso Loudon Luetkenhaus Marble  
Patek Pryor Purgason Reid Robirds  
Surface Wright

PRESENT: 002

Nordwald Smith

ABSENT WITH LEAVE: 013

Backer Boykins Daniel 42 Daniels 41 Dolan  
Hartzler 124 Hohulin Kasten King Koller  
Levin Secrest Wagner

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 12**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 12** was read the third time and passed by the following vote:

AYES: 102

Alter Auer Backer Barry 100 Bennett  
Berkowitz Boucher Bray 84 Britt Burton  
Campbell Carter Clayton Cooper Crump  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hegeman  
Hickey Hilgemann Holand Hollingsworth Hosmer  
Kelley 47 Kelly 27 Kissell Kreider Lakin  
Lawson Leake Legan Liese Long

Luetkenhaus May 108 Mays 50 McBride McClelland  
McLuckie Merideth Miller Monaco Murray  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Ransdall Relford Reynolds Ridgeway  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 045

Akin Ballard Barnett Bartelsmeyer Bartle  
Berkstresser Black Blunt Boatright Bonner  
Champion Chrismer Cierpiot Crawford Dolan  
Elliott Enz Evans Foster Froelker  
Gaskill Hanaway Hendrickson Hohulin Hoppe  
Howerton Klindt Linton Lograsso Loudon  
Marble Murphy Myers Naeger Nordwald  
Patek Purgason Reid Reinhart Richardson  
Sallee Summers Surface Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Abel Boykins Daniel 42 Daniels 41 Hartzler 124  
Kasten Kennedy King Koller Levin  
Luetkemeyer McKenna Pryor Secrest Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

#### **SIGNING OF HOUSE BILL**

All other business of the House was suspended while **CCS HCS HB 14** was read at length and, there being no objection, was

signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS HCS HB 14** was delivered to the Governor by the Chief Clerk of the House.

### THIRD READING OF HOUSE BILLS

**HCS HB 889**, relating to read to be ready program, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **HCS HB 889** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kennedy King

Kissell Klindt Kreider Lakin Lawson

Leake Legan Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Ross

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Wright Mr. Speaker



NOES: 002

Murphy Townley

PRESENT: 000

ABSENT WITH LEAVE: 013

Boykins Daniel 42 Daniels 41 Hartzler 124 Kasten

Kelly 27 Koller Levin Lograsso Robirds

Sallee Secrest Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Berkowitz, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 686**, relating to recreational systems, was taken up by Representative Murray.

Representative Murray offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 686, Page 15, Section 67.797, Line 8, by deleting the words "the [governing body of]" and inserting in lieu thereof the words "[the governing body of]".

On motion of Representative Murray, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Murray, **HS HCS HB 686, as amended**, was read the third time and passed by the following vote:

AYES: 134

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Boatright Bonner Boucher

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kelley 47  
Kelly 27 King Kissell Klindt Kreider  
Lakin Lawson Leake Legan Liese  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pryor Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Summers Surface Thompson 72 Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 016

Ballard Blunt Enz Evans Froelker  
Gibbons Hohulin Kennedy Linton Loudon  
Murphy Pouche Reid Smith Townley  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer Boykins Daniel 42 Daniels 41 Hartzler 124  
Kasten Koller Levin Lograsso Secrest  
Thompson 37 Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HBs 26 & 117**, relating to death penalty for murder, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HS HCS HBs 26 & 117** was read the third time and passed by the following vote:

AYES: 123

Akin Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Britt Burton Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Davis 122 Davis 63 Dolan Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Froelker Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hegeman Hickey Hohulin Holand  
Hollingsworth Hoppe Howerton Kelly 27 Kennedy  
King Kissell Klindt Kreider Lawson  
Leake Legan Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Richardson Ridgeway Rizzo  
Robirds Ross Scheve Schwab Scott  
Seigfreid Selby Shields Skaggs Smith  
Summers Surface Thompson 37 Townley Treadway  
Tudor Vogel Wagner Ward Wiggins  
Williams 159 Wright Mr. Speaker

NOES: 027

Abel Boucher Bray 84 Campbell Carter  
Days Dougherty Fraser Gambaro Gunn  
Harlan Hendrickson Hilgemann Kelley 47 Lakin  
Liese McKenna McLuckie Murphy Reynolds  
Schilling Shelton Stokan Thompson 72 Troupe  
Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Boykins Daniel 42 Daniels 41 Hartzler 124 Hosmer

Kasten Koller Levin Lograsso Sallee

Secrest Williams 121

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 676**, relating to elections, was taken up by Representative Days.

On motion of Representative Days, **HCS HB 676** was read the third time and passed by the following vote:

AYES: 117

Abel Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Bray 84 Britt Burton Campbell

Carter Champion Cooper Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Farnen Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Green Griesheimer

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hegeman Hickey Hilgemann Hollingsworth

Hoppe Howerton Kelley 47 Kennedy Kissell

Kreider Lakin Lawson Leake Legan

Liese Long Luetkenhaus Marble May 108

McBride McClelland McKenna McLuckie Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Purgason

Ransdall Reinhart Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton



Shields Skaggs Stokan Summers Surface  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Mr. Speaker

NOES: 030

Akin Barnett Chrismer Clayton Enz  
Evans Fitzwater Froelker Gratz Gross  
Hendrickson Hohulin Holand King Klindt  
Linton Loudon Merideth Murphy Myers  
Patek Pouche Pryor Reid Relford  
Ridgeway Smith Townley Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Boykins Cierpiot Daniel 42 Daniels 41 Hartzler 124  
Hosmer Kasten Kelly 27 Koller Levin  
Lograsso Luetkemeyer Mays 50 Secrest Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF HOUSE BILLS - CONSENT

**HB 895**, relating to sheriff policy and procedure manual, was taken up by Representative Crump.

On motion of Representative Crump, **HB 895** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Bray 84 Britt  
Burton Campbell Carter Champion Chrismer

Clayton Cooper Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 King Kissell  
Klindt Kreider Lakin Lawson Leake  
Legan Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Boykins Cierpiot Daniel 42 Daniels 41 Hartzler 124  
Kasten Kennedy Koller Levin Liese  
Lograsso Merideth Secrest Stokan Thompson 37

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HB 792**, relating to fire investigators, was taken up by Representative Kissell.

On motion of Representative Kissell, **HB 792** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cooper Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Kreider Lakin Lawson Leake

Legan Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Clayton Smith

PRESENT: 000

ABSENT WITH LEAVE: 011

Boykins Cierpiot Daniel 42 Daniels 41 Hartzler 124

Kasten Koller Levin Liese Lograsso

Secrest

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HB 930**, relating to POW/MIA flag, was taken up by Representative Ward.

On motion of Representative Ward, **HB 930** was read the third time and passed by the following vote:

AYES: 132

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Fitzwater Foley Foster

Franklin Fraser Gambaro George Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hegeman Hendrickson Hilgemann Hohulin

Hollingsworth Hosmer Howerton Kelley 47 Kelly 27

Kennedy King Kissell Klindt Kreider

Lakin Lawson Legan Linton Long

Loudon Luetkemeyer Luetkenhaus Marble Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers



Naeger O'Connor Ostmann Overschmidt Parker  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Tudor Van Zandt  
Vogel Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 030

Boykins Daniel 42 Daniels 41 Dolan Farnen  
Ford Froelker Gaskill Green Hartzler 124  
Hickey Holand Hoppe Kasten Koller  
Leake Levin Liese Lograsso May 108  
Nordwald O'Toole Patek Richardson Secrest  
Skaggs Thompson 37 Troupe Wagner Wiggins

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Thompson (72) moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HB 328**, relating to acquittals because of mental disease, was taken up by Representative Parker.

On motion of Representative Parker, **HB 328** was read the third time and passed by the following vote:

AYES: 133

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Bray 84 Britt  
Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crump Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Foster Franklin Fraser Gambaro George  
Gibbons Graham 106 Graham 24 Gratz Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hegeman Hendrickson Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Lakin Lawson Legan  
Linton Long Loudon Luetkemeyer Marble  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger O'Connor Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schwab Scott Seigfreid Selby Shelton  
Shields Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 028

Boykins Crawford Daniel 42 Daniels 41 Ford  
Froelker Gaskill Green Hartzler 124 Hickey  
Kasten Koller Kreider Leake Levin  
Liese Lograsso Luetkenhaus May 108 Nordwald  
O'Toole Ridgeway Schilling Secrest Skaggs  
Thompson 37 Troupe Williams 121

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hilgemann, title to the bill was agreed to.

Representative Shelton moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HB 915**, relating to meeting of electric cooperatives, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **HB 915** was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kelly 27 Kennedy King

Kissell Kreider Lakin Lawson Leake

Legan Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Thompson 72 Townley Treadway Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Murphy Reid

PRESENT: 000

ABSENT WITH LEAVE: 015

Boatright Boykins Daniel 42 Daniels 41 Hartzler 124

Kasten Klindt Koller Levin Liese

Lograsso Secrest Surface Thompson 37 Troupe

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative McKenna moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**HB 500**, relating to motor vehicles, was taken up by Representative Backer.

On motion of Representative Backer, **HB 500** was read the third time and passed by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Lakin Lawson Leake Legan

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna



McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Hendrickson

PRESENT: 000

ABSENT WITH LEAVE: 019

Boykins Daniel 42 Daniels 41 Hartzler 124 Hohulin  
Kasten Koller Kreider Levin Liese  
Linton Lograsso Purgason Schilling Secrest  
Surface Thompson 37 Townley Williams 121

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HB 327**, relating to acquittals because of mental disease, was taken up by Representative Parker.

On motion of Representative Parker, **HB 327** was read the third time and passed by the following vote:

AYES: 141

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kelley 47 Kennedy King Kissell Klindt  
Kreider Lakin Lawson Leake Legan  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Ransdall Reid Reinhart  
Relford Reynolds Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Thompson 72  
Townley Treadway Tudor Vogel Wagner  
Ward Wiggins Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 021

Boykins Daniel 42 Daniels 41 Green Harlan  
Hartzler 124 Kasten Kelly 27 Koller Levin  
Liese Linton Lograsso Purgason Richardson  
Secrest Surface Thompson 37 Troupe Van Zandt  
Williams 121

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 28** - Environment and Energy

**HCR 29** - Agriculture

**HCR 30** - Miscellaneous Bills and Resolutions

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 36** - Elections

**HJR 37** - Critical Issues

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1020** - Insurance

**HB 1021** - Federal-State Relations and Veterans Affairs

**HB 1022** - Governmental Organization and Review

**HB 1023** - Judiciary

**HB 1024** - Professional Registration and Licensing

**HB 1025** - Retirement

**HB 1026** - Criminal Law

**HB 1027** - Education - Elementary and Secondary

**HB 1028** - Ways and Means

**HB 1029** - Public Health

**HB 1030** - Criminal Law

**HB 1031** - Education - Higher

**HB 1032** - Motor Vehicle and Traffic Regulations

**HB 1033** - Governmental Organization and Review

**HB 1034** - Ways and Means

**HB 1035** - Governmental Organization and Review

**HB 1036** - Critical Issues

**HB 1037** - Civil and Administrative Law  
**HB 1039** - Local Government and Related Matters  
**HB 1041** - Utilities Regulation  
**HB 1042** - Education - Elementary and Secondary  
**HB 1043** - Motor Vehicle and Traffic Regulations  
**HB 1044** - Education - Elementary and Secondary  
**HB 1045** - Banks and Financial Institutions

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 20** - Consumer Protection  
**SB 32** - Workers Compensation and Employment Security  
**SB 142** - Judiciary  
**SB 148** - Education - Higher  
**SB 152** - Transportation  
**SB 177** - Criminal Law  
**SB 180** - Retirement  
**SB 196** - Urban Affairs  
**SB 197** - Urban Affairs  
**SB 201** - Utilities Regulation  
**SB 207** - Environment and Energy  
**SCS SB 239** - Civil and Administrative Law  
**SB 268** - Transportation  
**SS SB 309** - Civil and Administrative Law  
**SCS SBs 320 & 445** - Public Health  
**SCS SB 325** - Professional Registration and Licensing  
**SB 349** - Retirement  
**SB 353** - Environment and Energy  
**SB 362** - Professional Registration and Licensing  
**SB 379** - Public Health  
**SCS SB 391** - Agri-Business  
**SCS SB 396** - Public Safety and Law Enforcement  
**SB 399** - Education - Elementary and Secondary  
**SB 414** - Transportation  
**SB 426** - Environment and Energy  
**SB 433** - State Parks, Natural Resources and Mining  
**SCS SB 436** - Local Government and Related Matters  
**SB 456** - Banks and Financial Institutions

#### **COMMITTEE REPORTS**



**Committee on Banks and Financial Institutions**, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 901**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 237**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 275**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**.

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 929**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **SCS SBs 240, 226 & 229**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**.

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 160**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1047**, introduced by Representatives Hendrickson, Murphy and Enz, relating to taxation.

**HB 1048**, introduced by Representatives Pryor and Luetkemeyer, relating to regulation of excessive noise in certain counties.

**HB 1049**, introduced by Representative Barry, relating to licensing requirements for out-of-state health care professionals in a disaster training program pursuant to federal orders.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 22**, entitled:

An act to repeal section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1998, relating to tax relief for children and families, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 33**, entitled:

An act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation, and to enact in lieu thereof one new

section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 95**, entitled:

An act to repeal section 413.225, RSMo Supp. 1998, relating to weights and measures, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 192**, entitled:

An act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 282**, entitled:

An act to repeal section 135.530, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 287**, entitled:

An act to repeal section 137.100, RSMo 1994, relating to property tax, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 322, 150 & 151**, entitled:

An act to repeal sections 207.020, 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.516, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to child care providers and child placement, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 346**, entitled:

An act to repeal sections 115.105, 115.195, 115.199, 115.231, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 412**, entitled:

An act to repeal section 130.057, RSMo Supp. 1998, relating to certain campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 423**, entitled:

An act to repeal section 276.401, RSMo Supp. 1998, relating to grain dealers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 443**, entitled:

An act to repeal section 173.820, RSMo Supp. 1998, relating to Missouri college guarantee program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 461**, entitled:

An act to repeal section 164.161, RSMo 1994, and section 165.051, RSMo Supp. 1998, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 477**, entitled:

An act to repeal section 191.659, RSMo 1994, and sections 191.656 and 191.663, RSMo Supp. 1998, relating to disclosure of HIV information, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 498**, entitled:

An act to repeal section 210.173, RSMo 1994, and section 301.463, RSMo Supp. 1998, relating to motor vehicle license plates for the children's trust fund, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 518**, entitled:

An act to repeal section 67.1300, RSMo Supp. 1998, relating to sales tax for economic development, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 295 & 46**, entitled:

An act to repeal sections 82.210, 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Daniel (42).

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, March 29, 1999.

### **CORRECTIONS TO THE HOUSE JOURNAL FOR TUESDAY, MARCH 23, 1999**

(Inadvertently Omitted)

Correct House Journal, Fortieth Day, Tuesday, March 23, 1999, page 830, line 17, by deleting the name "Kevin Jacobek" and inserting in lieu thereof "Kevin Jakoubek".

Pages 830 and 831, roll call, by showing Representatives Enz, Hegeman, Hosmer, Kissell, Loudon and Summers voting "aye" rather than "absent with leave".

Pages 834 and 835, roll call, by showing Representative Williams (159) voting "no" rather than "absent with leave".

Pages 834 and 835, roll call, by showing Representative Ridgeway voting "no" rather than "aye".

Pages 834 and 835, roll call, by showing Representative Richardson voting "aye" rather than "absent with leave".

Pages 835 and 836, roll call, by showing Representatives Hartzler (124), Levin, Richardson and Scott voting "aye" rather than "absent with leave".

Pages 835 and 836, roll call, by showing Representative Kennedy voting "present" rather than "absent with leave".

Page 837, roll call, by showing Representatives Bartelsmeyer and Hoppe voting "no" rather than "absent with leave".

Page 837, roll call, by showing Representative Richardson voting "aye" rather than "absent with leave".

Page 839, roll call, by showing Representatives Hickey and Stokan voting "no" rather than "absent with leave".

Page 839, roll call, by showing Representative Richardson voting "aye" rather than "absent with leave".

Pages 842 and 843, roll call, by showing Representative Hickey voting "aye" rather than "absent with leave".

### **CORRECTIONS TO THE HOUSE JOURNAL**



Correct House Journal, Thirty-fifth Day, Monday, March 8, 1999, page 655, line 7, by deleting said line, and inserting in lieu thereof the following:

**HB 1017** through **HB 1019** were read the second time.

Correct House Journal, Forty-first Day, Wednesday, March 24, 1999, page 867, line 23, by deleting "Thomas, George" and inserting in lieu thereof "George, Thomas".

Pages 852 and 853, roll call, by showing Representatives Akin and Williams (159) voting "aye" rather than "absent with leave".

Pages 855 and 856, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".

Pages 860 and 861, roll call, by showing Representative Carter voting "no" rather than "absent with leave".

Pages 860 and 861, roll call, by showing Representatives Kissell and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 863 and 864, roll call, by showing Representative Vogel voting "aye" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **BANKS AND FINANCIAL INSTITUTIONS**

Monday, March 29, 1999. Side gallery upon adjournment. Executive session.

To be considered - HB 1045

##### **BUDGET**

Monday, March 29, 1999, 2:00 pm. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Tuesday, March 30, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Tuesday, March 30, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 17, HB 18

##### **BUDGET**

Wednesday, March 31, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Wednesday, March 31, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 17, HB 18

##### **BUDGET**

Thursday, April 1, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

## BUDGET

Thursday, April 1, 1999. Hearing Room 6 upon morning adjournment if needed.

To be considered - HB 17, HB 18

## CRITICAL ISSUES

Monday, March 29, 1999, 8:00 pm. Hearing Room 6. AMENDED NOTICE.

To be considered - HB 894, HB 995, HJR 35, SB 276, SCR 8, Executive Session - HB 200, Executive Session - HB 489, Executive Session - HB 667, Executive Session - HB 837

## EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 30, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 193, HB 466, HB 964, SB 163

## ELECTIONS

Wednesday, March 31, 1999, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 345, HJR 30, SB 31, Executive Session - HB 182,  
Executive Session - HB 297, Executive Session - HB 345

## GOVERNMENTAL ORGANIZATION AND REVIEW

Tuesday, March 30, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 15, Executive Session - SB 136

## INSURANCE

Tuesday, March 30, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

To be considered - HB 1019, SB 28

## JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, March 29, 1999, 1:15 pm. Hearing Room 5. Testimony from Joe Driskill, Director,  
Dept. of Economic Development.

## JOINT COMMITTEE ON GAMING AND WAGERING

Monday, March 29, 1999, 1:00 pm. Hearing Room 9. Update on gaming issues and legislation.

## JUDICIARY

Tuesday, March 30, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow. AMENDED NOTICE.

To be considered - HB 270, HB 896, HB 1011, SB 170, SB 266, SB 299

## LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 30, 1999. Hearing Room 9 upon morning adjournment.

Executive session to follow. AMENDED NOTICE.

To be considered - HJR 32, SB 61, SB 153, SB 160, SB 214, SB 220

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Monday, March 29, 1999. Side gallery upon evening adjournment.

To be considered - HR 313

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 30, 1999, 1:00 pm. Hearing Room 7.

To be considered - SB 115, SB 149

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 30, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE.

To be considered - SB 211, Executive Session - HCR 27,

Executive Session - SB 7, Executive Session - SB 83

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, March 31, 1999, 1:30 pm. Hearing Room 8. Executive session.

To be considered - SB 401

#### UTILITIES REGULATION

Monday, March 29, 1999, 3:45 pm. Side gallery. Executive session.

To be considered - SCR 2

#### HOUSE CALENDAR

FORTY-THIRD DAY, MONDAY, MARCH 29, 1999

#### HOUSE BILLS FOR SECOND READING

HB 1047 through HB 1049

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 389 - Hoppe

2 HCS HB 818, as amended, HA 2, pending - Days

3 HB 753 - Rizzo

4 HCS HB 852 - Hosmer

5 HCS HB 850 & 851 - Hosmer

6 HCS HB 826 - Harlan

7 HB 401 - Barry

8 HCS HB 793 - Treadway

9 HCS HB 701 - Rizzo

10 HCS HB 603, 722 & 783 - Wiggins

11 HCS HB 822 - Liese

12 HCS HB 718, 225, 876 & 838 - Harlan

13 HB 115 - Kreider

14 HCS HB 441 - Riback Wilson

15 HCS HB 256 - George

16 HB 700 - Mays (50)

17 HCS HB 736, 515 & 508 - Hagan-Harrell

18 HCS HB 460 - O'Toole

19 HCS HB 911 - Clayton

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 166 - McLuckie

3 HB 492 - Hosmer

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 22, 1999)

1 HB 846 - Carter

2 HB 266 - Britt

3 HB 847 - Relford

4 HB 745 - Kreider

5 HB 452 - Boatright

6 HB 775 - Hosmer

7 HB 542 - Barry

8 HB 122 - Gaskill

(March 23, 1999)

9 HB 58 - Treadway

10 HB 903 - Auer

11 HB 926 - Liese

12 HB 748 - O'Toole

13 HB 415 - Vogel

(March 25, 1999)

14 HB 965 - Riback Wilson

15 HB 812 - Berkowitz

16 HB 987 - Backer



17 HB 808 - Naeger

(March 29, 1999)

18 HB 979 - Auer

19 HB 230 - Days

20 HB 988 - Backer

21 HB 929 - Griesheimer

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 268 - Crawford

2 HB 499 - Hartzler (123)

3 HB 789 - Berkstresser

4 HB 426 - Ridgeway

5 HB 550 - Howerton

6 HB 548 - Kennedy

#### **SENATE BILLS FOR SECOND READING**

1 SS SB 22

2 SB 33

3 SB 95

4 SB 192

5 SCS SB 282

6 SB 287

7 SCS SB 295 & 46

8 SCS SB 322, 150 & 151

9 SCS SB 346

10 SCS SB 412

11 SCS SB 423

12 SB 443

13 SB 461

14 SCS SB 477

15 SCS SB 498

16 SB 518

#### **SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 169 - Boucher

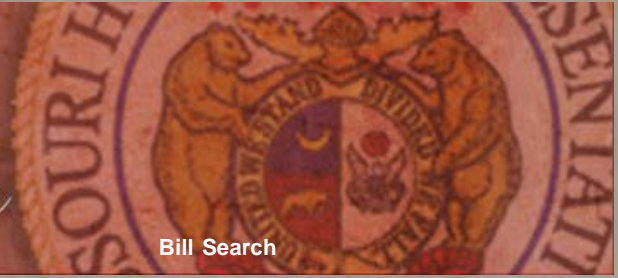
2 SB 188 - Smith



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FORTY-THIRD DAY, Monday, March 29, 1999

Speaker Gaw in the Chair.

Prayer by Representative Betty Thompson.

Our Father, As we gather here this afternoon, to prepare for another day's journey, to deal with the business of this great state, in hopes that this 90th General Assembly will be one of commitment, one of dedication, decency and trust! Dear God, Bless each and everyone of us, our family and the people we serve.

A very special blessing upon the family of Fletcher Daniels, who was a great leader and great individual. We ask you God, at this dark hour to shine on us, maybe not today and maybe not tomorrow, but one glad morning when this life is over we will fly away and be with God and Fletcher. This we ask in our Father's name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Adriana Hurtado, Erica Goans, Kayla Jones, Denesa Hale, Joshua Andrew Pemberton, Edward Andrew Stevens, Rebecca Anne Stevens, Robert Ashner, Amy Lansford, Chris Meyer, Nathan Hendrickson, Chelsi Rose, Katelyn Lamitinia, Melissa Lamitinia, Matt Young, Kelsey Ward and Tony Beltran.

The Journal of the forty-second day was approved as corrected by the following vote:

AYES: 144

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hosmer Howerton Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Rizzo Robirds  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 008

Blunt Boatright Farnen Hanaway Hohulin  
Patek Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Akin Bartelsmeyer Cooper Evans Hartzler 124  
Hoppe Kasten Ross Secrest

VACANCIES: 002

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 526 - Representative Fraser  
House Resolution No. 527 and House Resolution No. 528 - Representative Murphy  
House Resolution No. 529 - Representative Bray  
House Resolution No. 530 - Representative Naeger  
House Resolution No. 531 - Representative Hollingsworth  
House Resolution No. 532 and House Resolution No. 533 - Representative Smith  
House Resolution No. 534 - Representative Kreider  
House Resolution No. 535 - Representative Riback Wilson



House Resolution No. 536 through House Resolution No. 538 - Representative Ross

House Resolution No. 539 - Representative Ballard

House Resolution No. 540 - Representatives Green, George, Hagan-Harrell, Ladd Stokan, Reynolds and Reid

House Resolution No. 541 - Representative Wright

House Resolution No. 542 through House Resolution No. 547 - Representative Howerton

House Resolution No. 548 through House Resolution No. 553 - Representative Murray

House Resolution No. 554 - Representative Auer, et al

#### **SECOND READING OF HOUSE BILLS**

**HB 1047** through **HB 1049** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SS SB 22, SB 33, SB 95, SB 192, SCS SB 282, SB 287, SCS SBs 295 & 46, SCS SBs 322, 150 & 151, SCS SB 346, SCS SB 412, SCS SB 423, SB 443, SB 461, SCS SB 477, SCS SB 498 and SB 518** were read the second time.

#### **PERFECTION OF HOUSE BILLS**

**HCS HB 818, as amended, with House Amendment No. 2, pending**, relating to student academic deficiencies, was taken up by Representative Days.

Representative Kreider offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

Representative Shields raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 2** is not a true substitute amendment.

The Chair ruled the point of order well taken.

Representative Wright moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Patek offered **House Amendment No. 3**.

**House Amendment No. 3** was withdrawn.

Representative Auer offered **House Amendment No. 3**.

Representative Fitzwater raised a point of order that **House Amendment No. 3** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Kreider offered **House Amendment No. 3**.

**House Amendment No. 3** was withdrawn.

Representative Kelly (27) offered **House Amendment No. 3**.

**House Amendment No. 3** was withdrawn.

Representative Reid offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 818, Page 2, Section 1, Line 22, by deleting the word "**shall**" and inserting in lieu thereof the following: "**may, at the discretion of the school district,**".

On motion of Representative Reid, **House Amendment No. 3** was adopted.

On motion of Representative Days, **HCS HB 818, as amended**, was adopted.

On motion of Representative Days, HCS HB 818, as amended, was ordered perfected and printed.

**HB 753**, relating to new enterprise creation act, was taken up by Representative Scheve.

Representative Scheve offered **HS HB 753**.

Representative Williams (121) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 2 of said page, by deleting the word "section" and inserting in lieu thereof the following: "sections 136.035 and"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the phrase "Section 620.495" and inserting in lieu thereof the phrase "Sections 136.035 and 620.495"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the number "135.750" the following: "136.035,"; and

Further amend said bill, Page 3, Section 135.750, Line 20 of said page, by inserting after all of said line the following:

"136.035. 1. The director of revenue from funds appropriated shall refund any overpayment or erroneous payment of any tax which the state is authorized to collect. The general assembly shall appropriate and set aside funds sufficient for the use of the director of revenue to make refunds authorized by this section or by final judgment of court.

2. The director of revenue shall refund any overpayment or erroneous payment of any tax on intangible personal property and the amount refunded shall be charged against the next apportionment to the political subdivision which was the residence or situs of the taxpayer at the time the tax was paid.

3. No refund shall be made by the director of revenue unless a claim for refund has been filed with [him] **the director** within [two] **three** years from the date of payment. Every claim must be in writing under oath and must state the specific grounds upon which the claim is founded."

On motion of Representative Williams (121), **House Amendment No. 1** was adopted.

Representative Chrismer offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 2 of said page, by deleting the word "section" and inserting in lieu thereof the phrase "sections 215.316, 215.327 and"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "Section" and inserting in lieu thereof the phrase "Sections 215.316, 215.327 and"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the number "135.750," the following: "215.252, 215.316, 215.327,"; and

Further amend said bill, Page 3, Section 135.750, Line 20 of said page, by inserting after all of said line the following:

**"215.252. After August 28, 1999, before the state housing development commission approves any loan or project pursuant to this chapter or before the commission makes any commitment in principles as defined in section 215.010, the commission shall:**

**(1) Notify all owners of land within one thousand feet of any proposed site by certified mail of the intention of the commission to approve a loan or project or make a commitment in principle; and**

**(2) Notify both the city and county in which the proposed site is located, and the state representative and state senator in whose district such site is located, of the intent of the commission to approve a loan or project or make a commitment in principle and wait at least thirty days for a response from such city, county, representative or senator before making such loan or approving such project.**

215.316. Prior to entering [agreements] **into any agreement to grant new or additional subsidies to the owner of [a] any subsidized multifamily rental housing [project] projects involving more than one hundred twenty-five thousand dollars in subsidies including tax credit,** the Missouri housing development commission shall consult with the owner, the tenants, the local [government] **governments including any city and county in which the project is located, and the state representative and state senator in whose district such project is located, and [HUD and] the Missouri housing development commission shall hold a public hearing in the jurisdiction in which the project is located to receive public input as to whether that project represents the best use of public funds. The commission shall publish notice of the public hearing in a newspaper of general circulation which is printed more than twenty-four times per year and which has a circulation of ten thousand or more than newspapers of the largest circulation in the city or county where the project is located. The notice shall be at least twelve column inches in size and shall be published at least fourteen days and not more than thirty days before the public hearing. Prior to its publication, a copy of such notice shall be sent to the state representative and state senator in whose district such project is located. The public hearing shall occur before the commission may enter into an agreement.** The Missouri housing development commission shall give due consideration to any comments submitted by the tenants and the local government with regards to the expansion of affordability.

215.327. After August 28, [1994] **1999,** before the commission approves any assistance for multifamily rental housing [of twelve or more units] **projects involving more than one hundred twenty-five thousand dollars in subsidies, including tax credits,** the commission shall notify the [chief] **state representative and state senator in whose district such project is located, the elected [official] officials** of the city or, if not within a city, [notify] the [chief] elected [official] **officials** of the county in which proposed site is located, of the request to the commission for assistance for multifamily rental housing and invite written comments from the [chief] elected [official] **officials** of the city [or], county **or state** within thirty days before taking action on the assistance request. **A public hearing shall be held in accordance with the provisions of section 215.316."**

On motion of Representative Chrismer, **House Amendment No. 2** was adopted.

Representative Barry offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 3 of said page, by inserting after the word "sections" the numbers "135.550, 135.600,"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by inserting after the word "sections" the numbers "135.550, 135.600,"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "eleven" and inserting in lieu thereof the



word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the word "sections" the numbers 135.550, 135.600,"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by inserting after all of said line the following:

"135.550. 1. As used in this section, the following terms shall mean:

(1) **"Contribution", a donation of cash, stock, bonds or other marketable securities;**

(2) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

[(2)] (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

[(3)] (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year [is] **has a value of** at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. **Shelters for victims of domestic violence shall be permitted to decline a contribution from a taxpayer.** The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, [1998] **2000**, and shall apply to all tax years after December 31, [1997] **1999**.

135.600. 1. As used in this section, the following terms shall mean:

(1) **"Contribution", a donation of cash, stock, bonds or other marketable securities;**

[(1)] (2) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

[(2)] (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and



in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

[(3)] (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year [is] **has a value of** at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. **Maternity homes shall be permitted to decline a contribution from a taxpayer.** The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, [1998] **2000**, and shall apply to all tax years after December 31, [1997] **1999**."

On motion of Representative Barry, **House Amendment No. 3** was adopted.

Representative Bray offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Lines 2 to 8 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 135.411 and 620.495, RSMo 1994, and sections 135.400, 135.750, 447.700 and 620.1039, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof thirteen new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 11 to 15 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 135.411 and 620.495, RSMo 1994, and sections 135.400, 135.750, 447.700 and 620.1039, RSMo Supp. 1998, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 135.400, 135.411, 135.750, 447.700, 620.1039, 1, 2, 3, 4, 5, 6, 7 and 8, to read as follows:

135.400. As used in sections 135.400 to 135.430, the following terms mean:

- (1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;
- (2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;
- (3) "Community development corporation", a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities;
- (4) "Department", the Missouri department of economic development;
- (5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;
- (6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;
- (7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;
- (8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;
- (9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;
- (10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of [the] a Missouri small business **or twenty percent or more of a Missouri small business located in a distressed community as defined in section 135.530** and who are involved in the operation of the business as a full-time professional activity;
- (11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;
- (12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;
- (13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval.
- 135.411. The amount of the qualified investment made in a Missouri small business must remain in that business for a minimum of five years **or for a minimum of two years if the business is located in a distressed community as defined in section 135.530**. Withdrawal of the investment prior to the **applicable** minimum [five-year] period shall result in revocation of the tax credit, and repayment of any amounts of the tax credit already applied against the investor's state tax liability."

On motion of Representative Bray, **House Amendment No. 4** was adopted.

Representative Bray offered **House Amendment No. 5**.

*House Amendment No. 5*



AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 3 of said page, by deleting the phrase "447.700 and 620.1039" and inserting in lieu thereof the following: "447.700, 620.1039, 620.1420, 620.1430 and 620.1440"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting the phrase "447.700 and 620.1039" and inserting in lieu thereof the following: "447.700, 620.1039, 620.1420, 620.1430 and 620.1440"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the number "620.1039," the following: "620.1420, 620.1430 and 620.1440,"; and

Further amend said bill, Page 16, Section 620.1039, Line 23 of said page, by inserting after all of said line the following:

"620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

- (1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;
- (2) "Department", the department of economic development;
- (3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of the federal poverty level;
- (4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;
- (5) "Individual training account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees through their participation in classroom training provided by **a local educational [institutions] institution, or in training provided by an outside firm other than the employer who provides such training on the job or in other facilities;**
- (6) "Local educational institution", a publicly funded or privately funded local educational institution **or firm** which is certified by a recognized accrediting association as capable of providing adequate classroom training **or training on the job** to accomplish the purpose of sections 620.1400 to 620.1460.

620.1430. 1. A Missouri employer who desires to participate in the individual training account program shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees whom the employer has selected to be trained, whether or not the employees are currently working for the employer, the name of the local educational institution **or firm** that will provide the training, and a brief description of the training to be given by the institution **or firm**.

2. The employer shall have complete discretion in the selection of the local educational institution or institutions to provide training and shall be responsible for the payment of the costs of classroom training **or training on the job or in other facilities**.

620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the individual training account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee which can be certified by the department of economic development shall be the lesser of fifty percent of the costs of classroom training **or training on the job or in other facilities**, or one thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years and may be sold or transferred.

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee has successfully completed the employee's course training and has been employed by the employer in a new, full-time position for a period of at least three months. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position."

On motion of Representative Bray, **House Amendment No. 5** was adopted.

Representative Wiggins offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 2 of said page, by deleting the word "section" and inserting in lieu thereof the phrase "sections 620.163 and"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "Section" and inserting in lieu thereof the phrase "Sections 620.163 and"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the number "447.700," the following: "620.163,"; and

Further amend said bill, Page 8, Section 447.700, Line 8 of said page, by inserting after all of said line the following:

"620.163. 1. There is hereby established a "Rural Communities Economic Assistance Program", which shall be administered by the office of rural development. Under the auspices of the rural communities economic assistance program [and, until June 30, 2000], with the recommendations of the Missouri rural economic development council, the office of rural development shall have the authority, **until June 30, 2010**, to make available to qualifying rural communities grants-in-aid designed to achieve the goals stated in subsection 1 of section 620.161. The grants-in-aid awarded pursuant to this authority may be funded out of the general revenue fund or from any other available source allowed by law.

2. The office of rural development shall take applications for grants-in-aid from sponsoring organizations on behalf of rural communities. The applications shall be designed by the office of rural development and shall contain information necessary to determine the potential economic benefits of grants-in-aid to be awarded, as well as other information deemed necessary for the administration of this program.

3. The grants-in-aid to be awarded under the rural communities economic development assistance program shall be distributed to not more than twenty communities chosen by the office of rural development with the recommendations of the Missouri rural economic development council so long as it exists from the applications received prior to February twenty-eighth of each year. The grants-in-aid shall be distributed on July first of each year to such communities in an amount not to exceed thirty thousand dollars per community. No community may receive grants-in-aid for more than two consecutive years. In order to qualify for a grant-in-aid from the office of rural economic development, each community must match the amount of the grant with local funds equal to one-third of the grant-in-aid.

4. The sponsoring organization of each community chosen to receive a grant-in-aid from the office of rural economic development shall provide the community with equipment, office space, telephone service, stationery, and such other office supplies and services as are necessary to accomplish the goals set forth in subsection 1 of section 620.161 and in the application submitted to the office of rural economic development. The provision of such supplies and services by the sponsoring organization may be used to meet the one-third fund match requirement set forth in subsection 3 of this section."

On motion of Representative Wiggins, **House Amendment No. 6** was adopted.

Representative Green offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Bill No. 753, Page 1, Section in the title, Line 7 from the top of the page, by deleting the word "eleven" and inserting in lieu thereof the word "**twelve**"; and

Further amend said bill, page 1, Section A, line 13 from the top of the page, by deleting the word "eleven" and inserting in lieu thereof the word "**twelve**"; and

Further amend said bill, page 1, Section A, line 14 from the top of the page, by deleting the following: "and 8" and inserting in lieu thereof the following: ", **8 and 9**"; and

Further amend said bill, page 29, Section 8, line 24 from the top of the page, by inserting immediately after said section and line the following:

**"Section 9. 1. As used in this act, the following terms shall mean:**

**(1) "Director", the director of the department of economic development;**

**(2) "Scholarship charity", a charitable organization in this state that is exempt from federal taxation pursuant to**



section 501(c)(3) of the Internal Revenue Code, as amended, and that allocates at least ninety percent of its annual revenue for educational scholarships to children to allow them to attend a qualified school. For purposes of this section, the phrase "qualified school" means any elementary or secondary school of a child's parents' choice which is situated in this state and does not discriminate on the basis of race, color, handicap, national origin or ancestry which a child may attend to meet the requirements of section 167.031, RSMo. To qualify as a scholarship charity the charitable organization shall provide educational scholarships to students without limiting availability to students attending a particular school and shall give preference to students of families who demonstrate financial need;

(3) "Taxpayer", a person, individual, firm, a partner in a firm, corporation or shareholder in a corporation.

2. Any taxpayer which makes voluntary cash contributions to a scholarship charity shall receive a credit against the tax otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of all such contributions made during such taxpayer's taxable year; except that no taxpayer shall claim a credit pursuant to this section for any contribution made by the taxpayer or, in the case of a business taxpayer, an agent of the taxpayer, on behalf of the taxpayer's dependent, or in the case of a business taxpayer, on behalf of the agent's dependent.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried forward to any of the taxpayer's four subsequent taxable years.

4. The cumulative amount of tax credits allowed pursuant to this section shall not exceed five million dollars per fiscal year.

5. The director shall determine, at least annually, which charities in this state may be classified as scholarship charities. The director may require a charity seeking classification as a scholarship charity to provide any information reasonably necessary to make such a determination. The director shall classify a charity as a scholarship charity if such charity meets the criteria provided in subdivision (2) of subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a charity has been classified as a scholarship charity, and by which such taxpayer can then contribute to such scholarship charity and claim a tax credit pursuant to this section.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all charities classified as scholarship charities. If a scholarship charity fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those scholarship charities that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

Representative Relford raised a point of order that **House Amendment No. 7** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Green, **House Amendment No. 7** was adopted.

Representative Days offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 3 of said page, by inserting immediately after the number "447.700" the number ", 620.1023"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting immediately after the number "447.700" the number ", 620.1023"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "eleven" and inserting in lieu thereof the

word "twelve"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting immediately after the number "447.700," the number "620.1023,"; and

Further amend said bill, Page 13, Section 620.1039, Line 44 of said page, by inserting before all of said line the following:

"620.1023. 1. There is hereby created in the state treasury a revolving fund to be administered by the department of economic development to be known as the "Business Extension Service Team Fund". The fund shall consist of all moneys which may be appropriated to it by the general assembly, gifts, contributions, grants or bequests received from federal, private or other sources. A percentage of the moneys in such fund shall be used by the department for grants or loans for qualified community development projects in order to create or retain jobs in any city not within a county, any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county [and], any fourth class city with a population of at least three thousand five hundred inhabitants but not more than five thousand five hundred inhabitants which is located in a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants, **and any third class city with a population of at least three thousand inhabitants but not more than five thousand five hundred inhabitants which is located in a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants**, and shall be targeted toward economically blighted urban districts for new businesses, expansion of existing businesses and for employee training and housing. The department may require such grants or loans to be made on a matching fund basis. Any city that receives funding from the business extension service team fund may use up to [five] **ten** percent of such grant or loan for administrative costs. As used in this subdivision, "economically blighted urban districts" means areas which meet all of the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) The area is located wholly within an area which meets the requirements for federal assistance under Section 119 of the Housing and Community Development Act of 1974, as amended;

(3) At least sixty-five percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director of the department of economic development;

(4) The resident population of the area is at least four thousand at the time of designation as an economically blighted urban district. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction; and

(5) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director of the department of economic development, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis.

2. The department of economic development may use a percentage of the moneys in the fund established in subsection 1 of this section to directly contract with community development corporations established pursuant to section 135.400, RSMo, for the provision of job training or for creating or retaining jobs in any area meeting the criteria outlined in subsection 1 of this section.

3. All moneys remaining in the business extension service team fund at the end of the fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the business extension service team fund."

On motion of Representative Days, **House Amendment No. 8** was adopted.

Representative Green offered **House Amendment No. 9**.

Representative Patek raised a point of order that **House Amendment No. 9** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Loudon offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Bill No. 753, Page 29, Section 8, Line 24, by inserting the following immediately after said line:

**"Section 9. Any taxpayer who objects based upon a deeply held religious or moral belief to the content of a film for which the state is providing an incentive, tax abatement, tax credit or tax refund may file such objection with the**

department of economic development. For those objections determined to be valid, the department of economic development, in conjunction with the department of revenue, shall determine the appropriate amount of a refund of tax monies for such taxpayers based upon their proportional tax liability."

Representative Scheve raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Loudon moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 033

Ballard Barnett Bartle Boatright Burton  
Chrismer Crawford Elliott Enz Gaskill  
Gibbons Gross Hendrickson Hohulin Holand  
Howerton King Klindt Legan Levin  
Loudon Marble Miller Murphy Myers  
Naeger Reid Richardson Sallee Scott  
Shields Summers Wright

NOES: 107

Abel Alter Auer Backer Barry 100  
Bennett Berkowitz Berkstresser Black Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Champion Cierpiot Clayton Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hegeman Hickey Hilgemann Hollingsworth  
Hosmer Kelly 27 Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Liese  
Lograsso May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Monaco Murray  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Purgason Ransdall Reinhart  
Relford Ridgeway Rizzo Robirds Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Townley Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159



Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 021

Akin Bartelsmeyer Blunt Cooper Evans

Hanaway Hartzler 124 Hoppe Kasten Kelley 47

Linton Long Luetkemeyer Luetkenhaus Pouche

Pryor Reynolds Ross Secrest Surface

Treadway

VACANCIES: 002

Representative Kreider offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Substitute for House Bill No. 753, Page 29, Section 28, Line 4, by inserting after all of said line the following:

"Section 1. 1. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of all eligible access expenditures exceeding the monetary cap provided by section 44 of the Internal Revenue Code. For purposes of this section, "eligible access expenditures" means amounts paid or incurred by the taxpayer in order to comply with applicable access requirements provided by the Americans With Disabilities Act of 1990, as further defined in section 44 of the Internal Revenue Code and federal rulings interpreting section 44 of the Internal Revenue Code.

2. Activities qualifying the tax payer to the tax credit pursuant to this section shall be approved by the department of economic development. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any subsequent taxable year, but shall not be refunded and shall not be transferrable.

3. The director of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**Section A. Section 1 of this act shall become effective on January 1, 2000, and shall apply to all taxable years beginning after December 31, 1999.";** and

Further amend the title and enacting clause accordingly.

Representative Reid offered **House Substitute Amendment No. 1 for House Amendment No. 10.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 10*

AMEND House Substitute for House Bill No. 753, Page 29, Section 28, Line 4, by inserting after all of said line the following:

"Section 1. 1. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of all eligible access expenditures exceeding the monetary cap provided by section 44 of the Internal Revenue Code. For purposes of this section, "eligible access expenditures" means amounts paid or incurred by the taxpayer in order to comply with applicable access



requirements provided by the Americans With Disabilities Act of 1990, as further defined in section 44 of the Internal Revenue Code and federal rulings interpreting section 44 of the Internal Revenue Code.

2. Activities qualifying the tax payer to the tax credit pursuant to this section shall be approved by the department of economic development. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any subsequent taxable year, but shall not be refunded and shall not be transferrable.

3. The director of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**Section A. Section 1 of this act shall become effective on January 1, 2000, and shall apply to all taxable years beginning after December 31, 1999 through December 31, 2002.";** and

Further amend the title and enacting clause accordingly.

Representative Reid moved that **House Substitute Amendment No. 1 for House Amendment No. 10** be adopted.

Which motion was defeated.

**HB 753, with House Amendment No. 10, and HS, as amended, pending,** was laid over.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HB 492**, relating to securities regulations, was taken up and placed back on the Informal Calendar.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 712** - Children, Youth and Families

#### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 16** - Agriculture

#### **REFERRAL OF SENATE JOINT RESOLUTIONS**

The following Senate Joint Resolutions were referred to the Committee indicated:

**SS SCS SJR 23** - Elections

**SJR 25** - Fiscal Review

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SB 22** - Children, Youth and Families

**SB 33** - Ways and Means

**SB 95** - Agri-Business  
**SCS SB 176** - Civil and Administrative Law  
**SB 192** - Ways and Means  
**SCS SB 249** - Professional Registration and Licensing  
**SCS SB 261** - Public Health  
**SCS SB 282** - Ways and Means  
**SB 287** - Ways and Means  
**SS SB 289** - Education - Elementary and Secondary  
**SCS SBs 295 & 46** - Judiciary  
**SB 326** - Critical Issues  
**SCS SB 334** - Environment and Energy  
**SS SCS SB 335** - Criminal Law  
**SCS SB 346** - Elections  
**SB 352** - State Parks, Natural Resources and Mining  
**SB 364** - Governmental Organization and Review  
**SB 403** - Fiscal Review  
**SCS SB 405** - Municipal Corporations  
**SCS SB 412** - Elections  
**SCS SB 423** - Agri-Business  
**SB 424** - Professional Registration and Licensing  
**SB 434** - State Parks, Natural Resources and Mining  
**SB 435** - State Parks, Natural Resources and Mining  
**SCS SB 438** - Civil and Administrative Law  
**SB 443** - Education - Higher  
**SB 461** - Education - Elementary and Secondary  
**SB 466** - Elections  
**SCS SB 477** - Public Health  
**SB 479** - Environment and Energy  
**SCS SB 498** - Motor Vehicle and Traffic Regulations  
**SB 518** - Commerce

#### **RE-REFERRAL OF SENATE BILL**

The following Senate Bill was re-referred to the Committee indicated:

**SB 33** - Education - Higher

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 122, HB 266, HB 452, HB 542, HB 745, HB 775, HB 846** and **HB 847**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Banks and Financial Institutions**, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 1045**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 135**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 199**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 829 and HB 917**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 857**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **SB 184**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SCR 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute

for

Senate Concurrent Resolution No. 2

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet Services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 32**, introduced by Representatives Bonnor and Rizzo, relating to increased electric rates for GST Steel Company.

#### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 38**, introduced by Representatives Seigfreid, Klindt, Relford, Davis (122), Fitzwater, Kreider, Berkowitz and Summers, et al, relating to the powers and duties of the state highways and transportation commission.

#### **INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and copies ordered printed:



**HB 1050**, introduced by Representatives Hampton, Gaw, Wagner, Ward, Britt, Relford, Davis (122), Farnen and Ransdall, et al, relating to the Missouri medal of honor.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SB 288**, entitled:

An act relating to the establishment of the Missouri settlement trust fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 394**, entitled:

An act to repeal sections 137.016, 138.430, 140.110, 242.580, 243.370, 245.210 and 516.010, RSMo 1994, relating to ownership of property, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### WITHDRAWAL OF HOUSE BILL

March 25, 1999

The Honorable Steve Gaw, Speaker

Missouri House of Representatives

State Capitol

Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that **HB 910** be withdrawn. Thank you for your considering this request.

Sincerely,

/s/ Glenda Kelly

State Representative

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, March 30, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Forty-Second Day, Thursday, March 25, 1999, pages 876 and 877, roll call, by showing Representative Klindt voting "aye" rather than "absent with leave".

Pages 877 and 878, roll call, by showing Representative Reynolds voting "aye" rather than "absent with leave".

Pages 878 and 879, roll call, by showing Representative Luetkemeyer voting "no" rather than "absent with leave".

Page 882, roll call, by showing Representative Loudon voting "no" rather than "aye".

Pages 882 and 883, roll call, by showing Representative Kennedy voting "aye" rather than "absent with leave".

Pages 884 and 885, roll call, by showing Representative Fraser voting "aye" rather than "absent with leave".

Page 886, roll call, by showing Representatives Kreider and Fraser voting "aye" rather than "absent with leave".

Pages 887, roll call, by showing Representative Dolan voting "no" rather than "absent with leave".

Page 888, roll call, by showing Representatives Kennedy and Luetkemeyer voting "no" rather than "absent with leave".

Pages 888, roll call, by showing Representative Abel voting "aye" rather than "absent with leave".

Pages 889 and 890, roll call, by showing Representatives Kelly (27) and Robirds voting "aye" rather than "absent with leave".

Pages 891 and 892, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 892 and 893, roll call, by showing Representatives Hosmer, Kelly (27), Luetkemeyer and Mays (50) voting "aye" rather than "absent with leave".

Pages 893 and 894, roll call, by showing Representatives Kennedy, Liese and Merideth voting "aye" rather than "absent with leave".

Pages 894 and 895, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 895 and 896, roll call, by showing Representatives Dolan, Farnen, Froelker, Liese, Patek, May (108) and Richardson voting "aye" rather than "absent with leave".

Pages 896 and 897, roll call, by showing Representative Patek voting "aye" rather than "no".

Pages 896 and 897, roll call, by showing Representatives Crawford, Froelker, Kreider, Liese, Luetkenhaus and May (108) voting "aye" rather than "absent with leave".

Pages 897 and 898, roll call, by showing Representatives Boatright, Klindt, Liese and Surface voting "aye" rather than "absent with leave".

Pages 898 and 899, roll call, by showing Representatives Krieder, Liese, Purgason and Surface voting "aye" rather than "absent with leave".

Pages 899 and 900, roll call, by showing Representatives Kelly (27), Liese, Purgason, Richardson and Surface voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Wednesday, March 31, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow. AMENDED NOTICE.

To be considered - HCR 29, SB 310, SCR 16

### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, March 31, 1999. Hearing Room 8 upon morning adjournment. Mark-up.

#### BUDGET

Tuesday, March 30, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

#### BUDGET

Tuesday, March 30, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 17, HB 18

#### BUDGET

Wednesday, March 31, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

#### BUDGET

Wednesday, March 31, 1999. Hearing Room 6 upon morning adjournment.

To be considered - HB 17, HB 18

#### BUDGET

Thursday, April 1, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

#### BUDGET

Thursday, April 1, 1999. Hearing Room 6 upon morning adjournment if needed.

To be considered - HB 17, HB 18

#### CHILDREN, YOUTH, AND FAMILIES

Tuesday, March 30, 1999. Hearing Rooms 3 and 4 upon morning adjournment.

#### AMENDED NOTICE.

To be considered - SB 22, Executive Session - HB 417, Executive Session - HB 472

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 31, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

To be considered - SB 239, SB 309, SB 329, Executive Session - SB 112,

Executive Session - SB 124, Executive Session - SB 189

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 30, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 193, HB 466, HB 964, SB 163

#### ELECTIONS

Wednesday, March 31, 1999, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 345, HJR 30, SB 31, Executive Session - HB 182,  
Executive Session - HB 297, Executive Session - HB 345

#### ETHICS

Wednesday, March 31, 1999. Side gallery upon morning adjournment.

Addition to Caucus: Greater KC Demo Caucus and Greater KC Caucus.

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Tuesday, March 30, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 15, Executive Session - SB 136

#### INSURANCE

Tuesday, March 30, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

To be considered - HB 1019, SB 28

#### JUDICIARY

Tuesday, March 30, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow. AMENDED NOTICE.

To be considered - HB 270, HB 896, HB 1011, SB 170, SB 266, SB 299

#### LABOR

Tuesday, March 30, 1999. Side gallery upon morning adjournment. AMENDED NOTICE.

To be considered - Executive Session - SB 224, Executive Session - SB 234

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 30, 1999. Hearing Room 9 upon morning adjournment.

Executive session to follow. AMENDED NOTICE.

To be considered - HJR 32, SB 61, SB 153, SB 160, SB 214, SB 220

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 31, 1999, 9:15 am. Hearing Room 9.

To be considered - HR 49, HR 193, HR 200, SCR 11

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 30, 1999, 1:00 pm. Hearing Room 7.

To be considered - SB 115, SB 149

#### MUNICIPAL CORPORATIONS

Wednesday, March 31, 1999. Hearing Room 7 upon morning adjournment.

To be considered - Executive Session - HB 1009, Executive Session - SB 76

#### PUBLIC HEALTH

Wednesday, March 31, 1999, 8:30 am. Hearing Room 7. Possible executive session.



To be considered - HB 1029, SB 158, SB 320, SB 379

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

Tuesday, March 30, 1999, 8:00 pm. Hearing Room 5. AMENDED NOTICE. CANCELLED.

To be considered - SB 211, Executive Session - HCR 27, Executive Session - SB 7,  
Executive Session - SB 83

**STATE PARKS, NATURAL RESOURCES AND MINING**

Wednesday, March 31, 1999, 1:30 pm. Hearing Room 8. Executive session.

To be considered - SB 401

**TRANSPORTATION**

Wednesday, March 31, 1999, 12:30 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 10, SB 17, SB 268, SB 294

**HOUSE CALENDAR**

FORTY-FOURTH DAY, TUESDAY, MARCH 30, 1999

**HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 32

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 38

**HOUSE BILL FOR SECOND READING**

HB 1050

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 389 - Hoppe
- 2 HB 753, HA 10, and HS, as amended, pending, - Rizzo
- 3 HCS HB 852 - Hosmer
- 4 HCS HB 850 & 851 - Hosmer
- 5 HCS HB 826 - Harlan
- 6 HB 401 - Barry
- 7 HCS HB 793 - Treadway
- 8 HCS HB 701 - Rizzo
- 9 HCS HB 603, 722 & 783 - Wiggins
- 10 HCS HB 822 - Liese
- 11 HCS HB 718, 225, 876 & 838 - Harlan
- 12 HB 115 - Kreider
- 13 HCS HB 441 - Riback Wilson
- 14 HCS HB 256 - George
- 15 HB 700 - Mays (50)

16 HCS HB 736, 515 & 508 - Hagan-Harrell

17 HCS HB 460 - O'Toole

18 HCS HB 911 - Clayton

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 166 - McLuckie

3 HB 492 - Hosmer

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 23, 1999)

1 HB 58 - Treadway

2 HB 903 - Auer

3 HB 926 - Liese

4 HB 748 - O'Toole

5 HB 415 - Vogel

(March 25, 1999)

6 HB 965 - Riback Wilson

7 HB 812 - Berkowitz

8 HB 987 - Backer

9 HB 808 - Naeger

(March 29, 1999)

10 HB 979 - Auer

11 HB 230 - Days

12 HB 988 - Backer

13 HB 929 - Griesheimer

(March 30, 1999)

14 HB 199 - Ridgeway

15 HB 857 - Monaco

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 268 - Crawford
- 2 HB 499 - Hartzler (123)
- 3 HB 789 - Berkstresser
- 4 HB 426 - Ridgeway
- 5 HB 550 - Howerton
- 6 HB 548 - Kennedy
- 7 HB 846 - Carter
- 8 HB 266, E.C. - Britt
- 9 HB 847 - Relford
- 10 HB 745 - Kreider
- 11 HB 452 - Boatright
- 12 HB 775 - Hosmer
- 13 HB 542 - Barry
- 14 HB 122 - Gaskill

#### **SENATE BILLS FOR SECOND READING**

- 1 SS#2 SB 288
- 2 SCS SB 394

#### **SENATE BILLS FOR THIRD READING - CONSENT**

(March 25, 1999)

- 1 SB 169 - Boucher
- 2 SB 188 - Smith

(March 30, 1999)

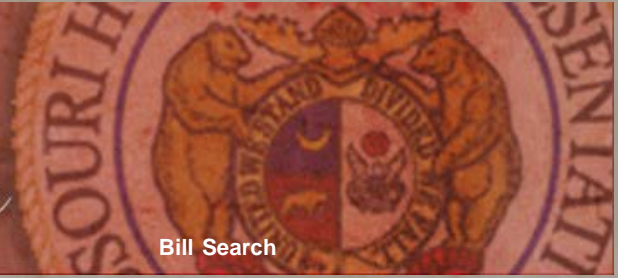
- 3 SB 184 - Scheve
- 4 HCS SCS SB 275 - Hosmer
- 5 SB 237 - Hosmer



Missouri House of Representatives

# MISSOURI

## House of Representatives



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Representative?**

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## House Journal

First Regular Session, 90th General Assembly

FORTY-FOURTH DAY, Tuesday, March 30, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

O Gracious God, in the midst of the complicated situations of our life and the unsolved problems of our world, we pray that You will deliver us from any sense of futility.

Bless our nation, and fortify all who work for peace. Grant a swift and just conclusion to the hostilities in Kosovo. We pray for the safe return of those in our armed forces who are engaged there.

And bless this House, strengthen them in the conviction that Your power is more than adequate for our difficulties, and Your love is never limited by our vision. And to You be glory and honor forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Thomas Vincent, Ashley Grimm, James Hughes, Brittany Sawyer, Sarah Spaulding, Sarah Agan, Savannah Renfroe, Kristen White, Kevin McInnis, Kayla Offill, Mikka Bailey, Jenna Schwan, Dennis Gould, Katy Faaborg, Mike Faaborg, Tim George, Michael McHugh, Amanda Sanfilippo, Jane Nagle, Kevin Looney, Christopher Plender, Crystal Brigman, Jessica Jenkins, Jared Cantrell, David Brammell, Elizabeth Buncher, Chris Clubine, Ryan Phillips, Stacey Strange, Holly Regier, Jasmina Taletovic, Cathryn Richardson, Christine Richardson, Ashley Byrne and Alison Boresi.

The Journal of the forty-third day was approved as corrected by the following vote:

AYES: 139

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley



Ford Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Gross Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hohulin Hoppe Hosmer Howerton  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lawson Leake  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Blunt Hanaway Wright

PRESENT: 000

ABSENT WITH LEAVE: 019

Cooper Elliott Foster Griesheimer Hartzler 124  
Hilgemann Holand Hollingsworth Kasten Lakin  
Legan Levin Patek Purgason Ridgeway  
Scott Secrest Stokan Ward

VACANCIES: 002

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 555 - Representatives Surface and Burton  
House Resolution No. 556 - Representative Hendrickson  
House Resolution No. 557 - Representative Dougherty

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

HCR 32 was read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTION

HJR 38 was read the second time.

## SECOND READING OF HOUSE BILL

HB 1050 was read the second time.

## SECOND READING OF SENATE BILLS

SS#2 SB 288 and SCS SB 394 were read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 818**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

## PERFECTION OF HOUSE BILLS

**HB 753, with House Amendment No. 10, and HS, as amended, pending**, relating to new enterprise creation act, was taken up by Representative Scheve.

On motion of Representative Kreider, **House Amendment No. 10** was adopted.

Representative Wiggins offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Bill No. 753, Page 3, Section 447.700, Line 20 of said page, by inserting after all of said line the following:

"348.407. 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants from the grant fund to persons or entities **for the creation, development and operation, for up to three years, of rural agricultural businesses** whose projects add value to agricultural products and aid the economy of a rural community.

4. **The authority may, upon the provision of a fee by the requesting person, in an amount to be determined by the authority, provide for a feasibility study of the person's rural agricultural business concept.**

5. **Upon a determination by the authority that such concept is feasible and upon the provision of a fee by the requesting person, in an amount to be determined by the authority, the authority may then provide for a marketing study. Such marketing study shall determine whether such concept may be operated profitably.**

6. **Upon a determination by the authority that the concept may be operated profitably, the authority may provide for legal assistance to set up the business. Such legal assistance shall include, but not be limited to, providing advice and assistance on the form of business entity, the availability of tax credits and job development for which the business may qualify as well as helping the person apply for such assistance.**

7. **The authority may organize loans for the business including, but not limited to, loans from the United States Department of Agriculture Rural Development Program, subject to availability.**

8. **The authority may provide for consulting services in the building of the physical facilities of the business.**

**9. The authority may provide for consulting services in the operation of the business.**

**10. The authority may provide for such services through employees of the state or by contracting with private entities.**

**11. The authority may consider the following in making the decision:**

- (1) The applicant's commitment to the project through the applicant's risk;
- (2) Community involvement and support;
- (3) The phase the project is in on an annual basis;
- (4) The leaders and consultants chosen to direct the project;
- (5) The amount needed for the project to achieve the bankable stage; and
- (6) The projects planning for long-term success through feasibility studies, marketing plans and business plans.

[5. The authority may charge for each grant application a one-time fee not to exceed two hundred dollars to be paid to the authority at the time of application. Such moneys shall be deposited to the program fund.]

**12. The department of agriculture, the department of natural resources, the department of economic development and the University of Missouri shall provide such assistance as is necessary for the implementation and operation of this section. The authority may consult with other state and federal agencies as is necessary.**

**13. The authority shall adopt such rules as are necessary for the implementation of the program.**

**14. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

348.408. 1. There is hereby established in the state treasury the "Agricultural Product Utilization Grant Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

2. The fund shall be administered by the authority.

3. [Beginning with fiscal year 1997-98,] The general assembly may appropriate moneys not to exceed [one and one-half] **three** million dollars [for the establishment and initial funding of the fund] **annually**. In any given year, at least [one-third] **ten percent** of the appropriation shall be awarded to grant requests of twenty-five thousand dollars or less. No single [grant award shall exceed one] **rural agricultural business concept shall receive more than two** hundred [fifty] thousand dollars **in grant awards from the authority**.

4. Moneys in the fund may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.

348.410. 1. There is hereby created in the state treasury the "Agricultural Product Utilization Business Development Loan Program Fund". The fund shall consist of money collected by the authority and transmitted to the department of revenue and deposited pursuant to subsection 2 of section 348.406 [and subsection 5 of section 348.407], **money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund**. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund. The money in the program fund shall be used, upon appropriation, for administration of the program established pursuant to sections 348.400 to 348.415 and for no other purpose. Moneys necessary for [the start-up of] this program may be transferred to this program fund from the [fund] **funds** established pursuant to sections 348.408 and 348.409.

2. For purposes of this section, the department shall, as part of the program administration, establish market promotion activities that assist grant recipients and loan applicants in the planning and marketing of value-added products. The department is specifically authorized to employ qualified individuals to fulfill such duties.

**3. The department of agriculture shall use the agriMissouri program to promote products derived from development facilities and renewable fuel production facilities as defined in section 1 of this act.**

**348.414. 1. The executive director of the authority shall act for the authority except that the appeal of the executive director's decisions shall be to the authority.**

**2. The executive director of the authority shall be paid on a level commensurate to that of a division director of state government."; and**

Further amend said bill, Page 29, Section 8, Line 24 of said page, by inserting after all of said line the following:

**"Section 9. 1. As used in this section, the following terms mean:**

- (1) "Department", the department of economic development;**



(2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) "Director", the director of the department of economic development;

(4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;

(5) "Renewable fuel production facility", a facility producing an energy source which is derived from an organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

(6) "Taxpayer", person, partnership, corporation, trust or limited liability company.

2. For all taxable years beginning on and after January 1, 1999, any taxpayer who contributes capital to an eligible new generation cooperative shall receive a credit against the tax otherwise due pursuant to chapter 143, RSMo, chapter 147, RSMo, or chapter 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount equal to the lesser of fifty percent of such taxpayer's investment or fifteen thousand dollars.

3. A taxpayer shall submit to the department an application for the tax credit authorized by this section on a form provided by the department. If the taxpayer meets all criteria prescribed by this section and the director, the department shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed for the taxable year in which the taxpayer purchases shares of an eligible new generation cooperative. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years and carried forward to any of the taxpayer's five subsequent taxable years. Tax credits issued pursuant to this section shall be refundable and may be assigned, transferred or sold.

4. Tax credits shall be allowed pursuant to this section in an amount not to exceed six million dollars.

5. The department may promulgate any rules necessary to administer the provisions of this act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**Section 10.** The department of natural resources and the department of agriculture shall, at no cost, provide to an eligible new generation cooperative any technical support necessary to assist in the operation of the facility or the marketing of its products."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Wiggins, **House Amendment No. 11** was adopted.

Representative Leake offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Substitute for House Bill No. 753, Page 1, In the Title, Line 2, by deleting the word "section" on said line, and inserting in lieu thereof "sections 147.010 and"; and

Further amend said bill, in the title, line 7, by deleting the numeral "eleven" and inserting in lieu thereof the numeral "twelve"; and

Further amend said bill, page 1, section A, line 11, by deleting the word "Section" on said line, and inserting in lieu thereof "Sections 147.010 and"; and

Further amend said bill, page 1, section A, line 13, by deleting the numeral "eleven" and inserting in lieu thereof the numeral "twelve"; and

Further amend said bill, page 1, section A, line 14, by inserting immediately following "135.750" on said line "147.010"; and

Further amend said bill, page 8, section 135.750, line 8, by inserting immediately following all of said line the following:

"147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, every corporation organized [under] **pursuant** or subject to chapter 351,



RSMo, or [under] **pursuant to** any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose herein contained, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares should exceed five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds two hundred dollars, and for the purposes of this chapter, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether under a certificate of authority issued [under] **pursuant to** chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated above does not exceed two hundred thousand dollars shall state that fact on a form prescribed by the secretary of state. **For all taxable years beginning on or after January 1, 2000, each corporation shall be allowed a credit of \$500 against any franchise tax due, subject to approval by the department of economic development. The department of economic development shall approve the credit unless there is a determination, upon consultation with the secretary of state or any other state agency, that the corporation is not in good standing in the State of Missouri. The department of economic development shall monitor tax credits issued pursuant to this section and shall report annually to the general assembly the total amount of all credits approved. For each taxable year beginning on or after January 1, 2000, every corporation subject to franchise tax pursuant to this chapter or any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twenty-fifth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds one million dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose herein contained, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares should exceed five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds one million dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twenty-fifth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds one million dollars, and for the purposes of this chapter, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. Any corporation whose outstanding shares and surplus as calculated above does not exceed one million dollars shall state that fact on a form prescribed by the secretary of state. Such franchise tax shall not exceed fifty thousand dollars for any particular corporation.**

2. This law shall not apply to corporations not organized for profit, nor to corporations organized [under] **pursuant to** the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to electric and telephone corporations organized [under] **pursuant to** chapters 351, RSMo, and 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations [under] **by** section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible [under] **prescribed by** the provisions of this chapter.

3. A corporation's "taxable year" for purposes of this chapter shall be its taxable year as provided in section 143.271, RSMo.

4. A corporation's "transitional year" for the purposes of this chapter shall be its taxable year which includes parts of each of the years 1979 and 1980.

5. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed [under] **as required by** regulations prescribed by the secretary of state.

6. All franchise reports and franchise taxes shall be returned to the secretary of state who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

7. Section 32.057, RSMo, shall apply to the secretary of state as equally as it applies to the director of revenue and the secretary of state shall maintain the confidentiality of all franchise tax reports returned to him **or her**. Such reports, however, may be made available at any time to the director of revenue and the director of revenue will maintain their confidentiality."

On motion of Representative Leake, **House Amendment No. 12** was adopted.

On motion of Representative Scheve, **HS HB 753, as amended**, was adopted.

On motion of Representative Scheve, **HS HB 753, as amended**, was ordered perfected and printed.

Representative Smith assumed the Chair.

**HCS HB 389**, relating to boundaries of political subdivisions, was taken up by Representative Hoppe.

Representative Reynolds raised a point of order that **HCS HB 389** does not meet the Hammerschmidt guidelines.

The Parliamentary Committee ruled the point of order not well taken.

Representative Van Zandt offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 389, Page 7, Section 72.422, Line 33, by adding at the end of said line the following:

"Section 1. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Van Zandt, **House Amendment No. 1** was adopted.

Speaker Pro Tem Kreider assumed the Chair.

Representative Scheve assumed the Chair.

Representative Murphy offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 389, Page 6, Section 72.416, Line 1, by eliminating line one, line two and the first word on line three.

Representative Murphy moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Boucher Burton Champion Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Ford Foster Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hegeman  
Hendrickson Hohulin Holand Howerton Kelley 47  
King Klindt Levin Linton Long  
Loudon Luetkemeyer Marble McClelland Merideth  
Miller Murphy Myers Naeger Nordwald  
Ostmann Patek Pouche Pryor Purgason  
Reid Reinhart Reynolds Robirds Ross  
Sallee Schwab Scott Shields Stokan  
Summers Surface Townley Tudor Vogel  
Wright

NOES: 082

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Daniel 42 Davis 122  
Davis 63 Days Dougherty Farnen Fitzwater  
Foley Franklin Fraser Gambaro Gaskill  
George Graham 24 Gratz Green Gunn  
Hagan-Harrell Hampton Harlan Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Leake Liese Lograsso Luetkenhaus May 108  
Mays 50 McBride McKenna McLuckie Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Ridgeway Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Thompson 72 Treadway Troupe Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008



Cooper Froelker Hartzler 124 Kasten Legan

Richardson Secrest Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider resumed the Chair.

Representative McClelland offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 389, Page 4, Section 72.401, Line 35, by inserting after the words "political subdivisions" the following: "which has a proposal pending before the commission."

Representative McClelland moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Boucher Bray 84 Burton Champion

Chrismer Cierpiot Crawford Dolan Elliott

Enz Evans Foster Froelker Gaskill

Gibbons Graham 106 Griesheimer Gross Hanaway

Hartzler 123 Hegeman Hendrickson Holand Howerton

Kelley 47 King Klindt Linton Lograsso

Long Loudon Luetkemeyer Marble McClelland

Merideth Miller Murphy Myers Naeger

Nordwald Patek Pouche Pryor Purgason

Reid Reinhart Reynolds Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Shields Stokan Summers Surface Townley

Tudor Vogel Wright

NOES: 078

Abel Auer Backer Barry 100 Berkowitz

Bonner Boykins Britt Campbell Carter

Clayton Crump Daniel 42 Davis 122 Davis 63

Days Dougherty Farnen Fitzwater Foley



Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Levin Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Monaco Murray  
O'Connor Overschmidt Parker Ransdall Relford  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Thompson 72 Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper Hartzler 124 Hohulin Kasten Legan  
O'Toole Ostmann Rizzo Secrest Thompson 37

VACANCIES: 002

Representative Evans offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 389, Page 7, Section 72.422, Line 6, by deleting the word "fifteen" and inserting in lieu thereof the word "**fifty**"; and

Further amend said section, line 7, by inserting immediately after the word "area" the following "**or at least five hundred registered voters**".

Representative Lograsso raised a point of order that the sponsor of the amendment had not moved for the adoption of **House Amendment No. 4**, therefore inquiry was not in order.

The Chair ruled the point of order well taken.

Representative Evans moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkstresser Black Blunt Boatright  
Boucher Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hegeman  
Hendrickson Hohulin Holand Kelley 47 King  
Klindt Legan Levin Linton Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Patek Pouche Pryor Purgason  
Reid Reinhart Reynolds Richardson Ridgeway  
Robirds Ross Sallee Schwab Shields  
Stokan Summers Townley Tudor Vogel  
Wright

NOES: 079

Abel Auer Backer Barry 100 Berkowitz  
Bonner Bray 84 Britt Campbell Carter  
Clayton Crump Daniel 42 Davis 122 Davis 63  
Days Farnen Fitzwater Foley Ford  
Franklin Fraser Gambaro George Graham 24  
Gratz Green Gunn Hagan-Harrell Hampton  
Harlan Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Liese  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Monaco Murray O'Connor O'Toole  
Overschmidt Parker Ransdall Relford Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 001

Boykins

ABSENT WITH LEAVE: 010

Bennett Cooper Dougherty Hartzler 124 Howerton  
Kasten Ostmann Scott Secrest Surface

VACANCIES: 002

On motion of Representative Hoppe, **HCS HB 389, as amended**, was adopted.

On motion of Representative Hoppe, **HCS HB 389, as amended**, was ordered perfected and printed.

**HCS HB 852**, relating to civil commitment, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HCS HB 852**.

Speaker Gaw resumed the Chair.

Representative Clayton assumed the Chair.

On motion of Representative Hosmer, **HS HCS HB 852** was adopted.

On motion of Representative Hosmer, **HS HCS HB 852** was ordered perfected and printed.

On motion of Representative Crump, the House recessed until 2:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Mary Katherine Fester.

#### **HOUSE COURTESY RESOLUTION OFFERED**

House Resolution No. 560 - Representative Gaw, joined by the entire House membership.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 558 - Representatives Robirds and Berkstresser

House Resolution No. 559 - Representative Scott

House Resolution No. 561 - Representative Ross

House Resolution No. 562 - Representative Bartle, et al

House Resolution No. 563 - Representative Gunn, et al

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HB 818** - Fiscal Review (Fiscal Note)

#### **PERFECTION OF HOUSE BILLS**

**HCS HB 850 & 851**, relating to criminal prosecution, was taken up by Representative Hosmer.

Representative Riback Wilson offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 850 and 851, Page 1, Section 566.010, Line 2, by inserting after the word "any" the following: "nonconsensual".

Representative Riback Wilson moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Riback Wilson offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 850 and 851, Page 2, Section 566.010, Line 12, by inserting after said section the following:

"566.090. 1. A person commits the crime of sexual misconduct in the first degree if [he has deviate sexual intercourse with another person of the same sex or he] **such person** purposely subjects another person to sexual contact **without the consent of the person with whom such contact is made** or engages in conduct which would constitute sexual contact [except that] **without the consent of the person so touched even though** the touching occurs through the clothing [without that person's consent].

2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has previously been convicted of an offense [under] **pursuant** to this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony."; and

Further amend said title and enacting clause accordingly.

Representative Riback Wilson moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 032

Boykins Bray 84 Campbell Carter Clayton

Daniel 42 Davis 63 Days Dougherty Foley

Fraser Graham 24 Green Gunn Hagan-Harrell

Harlan Hickey Hilgemann Kelly 27 Liese

Mays 50 McClelland McKenna McLuckie Murray

O'Connor Schilling Stokan Thompson 72 Van Zandt

Williams 121 Wilson

NOES: 104

Akin Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Black Blunt Boatright Bonner Boucher

Britt Burton Champion Chrismer Cierpiot

Crawford Crump Davis 122 Elliott Enz

Evans Farnen Fitzwater Foster Franklin



Froelker Gambaro George Gibbons Graham 106  
Gratz Griesheimer Gross Hampton Hanaway  
Hartzler 123 Hegeman Hendrickson Hohulin Holand  
Hosmer Howerton Kelley 47 Kennedy King  
Kissell Klindt Koller Kreider Leake  
Legan Levin Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 McBride  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Schwab Scott Selby  
Shelton Shields Smith Summers Surface  
Townley Treadway Tudor Vogel Wagner  
Ward Wiggins Williams 159 Wright

PRESENT: 001

Thompson 37

ABSENT WITH LEAVE: 024

Abel Backer Berkstresser Cooper Dolan  
Ford Gaskill Hartzler 124 Hollingsworth Hoppe  
Kasten Lakin Lawson Lograsso Monaco  
O'Toole Pryor Ridgeway Scheve Secrest  
Seigfreid Skaggs Troupe Mr. Speaker

VACANCIES: 002

Representative Relford offered **House Amendment No. 3**.

Representative Hosmer raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Bennett offered **House Amendment No. 3**.

Representative Hosmer raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Hosmer, **HCS HB 850 & 851** was adopted.

On motion of Representative Hosmer, **HCS HB 850 & 851** was ordered perfected and printed.

**HCS HB 826**, relating to long-term care facilities, was taken up by Representative Harlan.

Representative Harlan offered **HS HCS HB 826**.

Representative Naeger offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 16, Section 7, Line 22, by adding immediately after said line the following:

**"Section 8. Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility."**

Amend title and enacting clause accordingly.

On motion of Representative Naeger, **House Amendment No. 1** was adopted.

Representative Smith resumed the Chair.

Representative Patek offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 7, Section 198.015, Line 9 of said page, by inserting after all of said line the following:

**"If a current operator has incurred a debt within ninety days prior to the notice required in this subsection in an aggregate amount of one thousand dollars or more, such operator shall notify the creditor for such debt of the intent to change operators."**

On motion of Representative Patek, **House Amendment No. 2** was adopted.

Representative Harlan offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 1, In the Title, Line 5 of said page, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting the word and number "and 7" and inserting in lieu thereof the word and numbers ", 7 and 8"; and

Further amend said bill, Page 16, Section 7, Line 22 of said page, by inserting after all of said line the following:

**"Section 8. 1. The division of aging, in collaboration with qualified Missouri schools and universities, shall establish an aging-in-place pilot program at a maximum of four selected sites throughout the state which will provide a continuum of care for elders who need long-term care. For purposes of this section, "qualified Missouri schools and universities" means any Missouri school or university which has a school of nursing, a graduate nursing program, or any other similar program or specialized expertise in the areas of aging, long-term care or health services for the**

elderly.

2. The pilot program shall:

(1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;

(2) Base licensure on services provided rather than on facility type; and

(3) Be established in selected urban, rural and regional sites throughout the state.

3. The director of the division of aging shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.

4. The division of aging shall monitor the pilot program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness.

5. The division of aging may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

On motion of Representative Harlan, **House Amendment No. 3** was adopted.

Representative Graham (24) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 1, In the Title, Line 5 of said page, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting the word and number "and 7" and inserting in lieu thereof the word and numbers ", 7 and 8"; and

Further amend said bill, Page 16, Section 7, Line 22 of said page, by inserting after all of said line the following:

"Section 8. 1. The division of aging shall provide budget allotment tables to each area agency on aging by January first of each year. Each area agency on aging shall submit its area plan, area budget and service contracts to the division of aging by March first of each year. Each April, the area agencies on aging shall present their plans to the division of aging in a public hearing scheduled by the division and held in the area served by the area agency on aging. Within thirty days of such hearing, the division shall report findings and recommendations to the board of directors for the area agency on aging, the area agency on aging advisory council, the members of the senate budget committee and the members of the house appropriations committee for social services and corrections.

2. Each area agency on aging shall include in its area plan performance measures and outcomes to be achieved for each year covered by the plan. Such measures and outcomes shall also be presented to the division during the public hearing.

3. The division of aging shall conduct on-site monitoring of each area agency on aging at least once a year. The division of aging shall send all monitoring reports to the area agency on aging advisory council and the board of directors for the area agency which is the subject of the reports."

Representative Shields raised a point of order that **House Amendment No. 4** is not germane to the bill.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Graham (24), **House Amendment No. 4** was adopted.

Representative Abel offered **House Amendment No. 5**.



*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 16, Section 7, Line 22, by inserting immediately after said line the following:

**"Section 8. After the effective date of this act any nursing facility participating in the Missouri Medicaid program which incurs a capital expenditure in excess of two thousand dollars per bed shall be entitled to obtain from the department of social services, division of medical services, a recalculation of its Medicaid per diem reimbursement rate based on all costs incurred during the fiscal year during which the aforesaid capital expenditure was made, which recalculated reimbursement rate shall be effective and payable for services rendered on or after the first day of July of the year following that fiscal year end."**

Amend title and enacting clause accordingly.

Representative Abel moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Ladd Stokan offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 1, In the Title, Lines 2 to 6 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"To repeal sections 197.315, 198.015, 198.070 and 198.073, RSMo 1994, and section 198.067, RSMo Supp. 1998, relating to long-term care facilities, and to enact in lieu thereof thirteen new sections relating to the same subject.";** and

Further amend said bill, Page 1, Section A, Lines 9 to 12 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"Section A. Sections 197.315, 198.015, 198.070 and 198.073, RSMo 1994, and section 198.067, RSMo Supp. 1998, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 197.315, 198.015, 198.067, 198.070, 198.073, 1, 2, 3, 4, 5, 6, 7 and 8, to read as follows:";** and

Further amend said bill, Page 8, Section 198.015, Line 12 of said page, by inserting after all of said line the following:

**"198.067. 1. An action may be brought by the department, or by the attorney general on his or her own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought [under] pursuant to the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought [under] pursuant to the provisions of this section no less than fifteen days after the filing of the action.**

**2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.**

**3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to ten thousand dollars for each day that the violations existed or continues to exist. Violations shall be presumed to continue to exist from the time they are found until the time the division of aging finds them to have been corrected. The amount of the penalty shall be determined as follows:**

- (1) For each violation of a class I standard, not less than one hundred fifty dollars nor more than one thousand dollars;**
- (2) For each violation of a class II standard, not less than fifty dollars nor more than five hundred dollars;**
- (3) For each violation of a class III standard, not less than fifteen dollars nor more than one hundred fifty dollars;**



(4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

(5) For each specific class I violation by the same operator which has been cited within the past twenty-four months and for each specific class II or III violation by the same operator which has been cited within the past twelve months, double the amount last imposed.

As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

4. Any individual who willfully and knowingly certifies [under] **pursuant to** subsection (b)(3)(B)(i) of section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect to each assessment. Any individual who willfully and knowingly causes another individual to certify [under] **pursuant to** subsection (b)(3)(B)(i) of section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. Penalties collected pursuant to this section shall be deposited in the division of aging elderly home delivered meals trust fund as established in section 660.078, RSMo. **Such penalties shall not be considered a charitable contribution for tax purposes.**

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If [said] **such** licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties [under] **pursuant to** this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

198.070. 1. When any physician, dentist, chiropractor, optometrist, podiatrist, intern, nurse, medical examiner, social worker, psychologist, minister, Christian Science practitioner, peace officer, pharmacist, physical therapist, facility administrator, employee in a facility, or employee of the department of social services or of the department of mental health, coroner, dentist, hospital and clinic personnel engaged in examination, other health practitioners, mental health professional, adult day care worker, probation or parole officer, law enforcement official or other person with the care of a person sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of a facility has been abused or neglected, he **or she** shall immediately report or cause a report to be made to the department.

2. The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

4. In addition to those persons required to report [under] **pursuant to** subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.

5. Upon receipt of a report, the department shall initiate an investigation within twenty-four hours and, as soon as possible during the course of the investigation, shall notify the resident's next of kin or responsible party of the report and the investigation and further notify them whether the report was substantiated or unsubstantiated. **As provided in section 565.186, RSMo, substantiated reports of elder abuse shall be promptly reported by the department to the appropriate law enforcement agency and prosecutor.**

6. If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the complaint together with [his] **the investigator's** report to the department director or [his] **the director's** designee for appropriate action. If, during the

investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident, for a period not to exceed thirty days.

7. Reports shall be confidential, as provided [under] **pursuant to** section 660.320, RSMo.

8. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted in bad faith or with malicious purpose. **It is a crime pursuant to section 565.186, RSMo, for any person to purposely file a false report of elder abuse or neglect.**

9. Within five working days after a report required to be made [under] **pursuant to** this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

10. No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a resident or employee because [he] **such resident or employee** or any member of [his] **such resident's or employee's** family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which [he] **the resident, the resident's family or an employee** has reasonable cause to believe has been committed or has occurred. **Through the existing division of aging information and referral telephone contact line, residents, their families and employees of a facility shall be able to obtain information about their rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to a report being made pursuant to this section.**

11. Any person who knowingly abuses or neglects a resident of a facility shall be guilty of a class D felony.

12. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department pursuant to section 660.315, RSMo, to have recklessly, knowingly or purposely abused or neglected a resident while employed in any facility.

**13. The timely self-reporting of incidents to the central registry by a facility shall continue to be investigated in accordance with department policy, and shall not be counted or reported by the department as a hotline call but rather a self-reported incident. If the self-reported incident results in a regulatory violation, such incident shall be reported as a substantiated report.";** and

Further amend said bill, Page 16, Section 7, Line 22 of said page, by inserting after all of said line the following:

**"Section 8. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of social services shall:**

**(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;**

**(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;**

**(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to chapter 198, RSMo;**

**(4) With the full cooperation of and in conjunction with the department of health, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012, RSMo, in which rules, requirements, regulations and standards pursuant to section 197.080, RSMo, for residential care facilities II, intermediate care facilities and skilled nursing facilities attached to an acute care hospital are consistent with the intent of chapter 198, RSMo. A report of the differences found in the evaluation conducted pursuant to this subdivision shall be made jointly by the departments of social services and health to the governor and members of the general assembly by January 1, 2000; and**

**(5) With the full cooperation and in conjunction with the department of health, develop rules and regulations requiring the exchange of information, including regulatory violations, between the departments to ensure the protection of individuals who are served by health care providers regulated by either the department of health or the department of social services."**

On motion of Representative Ladd Stokan, **House Amendment No. 6** was adopted.



Representative Monaco offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 9, Section 198.073, Line 6, by deleting the word "**and**" and inserting in lieu thereof the word "**but**".

On motion of Representative Monaco, **House Amendment No. 7** was adopted.

Representative Hohulin offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 8, Section 198.049, Line 13, by adding one new section to read as follows:

198.049. Any convalescent, nursing or boarding home licensed pursuant to this chapter which voluntarily exceeds the mandatory staffing requirements for such facility's licensure category by ten percent or more may apply to the department for classification as an "A+" facility within such facility's licensure category.; and

Further amend said bill by renumbering the lines accordingly.

Representative Hohulin moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Representative Froelker offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 8, Section 198.015, Line 12, by adding immediately after said line the following:

**"If the department has inspected the facility within 60 days prior to the notification of the intent to change operators, that inspection and disclosure of its results shall be sufficient to satisfy the requirements of this subsection unless the current or succeeding operator requests a new inspection prior to the granting of a temporary operating permit."**

On motion of Representative Froelker, **House Amendment No. 9** was adopted.

Representative Richardson offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 5, Section 19, Lines 13 - 24, and Page 6, Line 1, by deleting all of said lines.

Speaker Gaw resumed the Chair.

Representative Naeger offered **House Substitute Amendment No. 1 for House Amendment No. 10.**

**House Substitute Amendment No. 1 for House Amendment No. 10** was withdrawn.

On motion of Representative Richardson, **House Amendment No. 10** was adopted by the following vote:

AYES: 081

Akin Alter Backer Ballard Barry 100  
Bartelsmeyer Bennett Berkowitz Berkstresser Black  
Blunt Boatright Bonner Britt Champion  
Chrismer Clayton Crawford Elliott Enz  
Evans Foster Gambaro Gaskill Gibbons  
Graham 106 Gratz Gross Hampton Hanaway  
Hegeman Hohulin Hoppe Howerton King  
Kissell Klindt Koller Kreider Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Marble McBride  
McLuckie Merideth Miller Murphy Myers  
Naeger Nordwald Parker Patek Pouche  
Pryor Purgason Ransdall Relford Richardson  
Robirds Sallee Schwab Scott Seigfreid  
Shields Summers Surface Townley Treadway  
Tudor Vogel Wagner Wiggins Williams 159  
Wright

NOES: 071

Abel Auer Barnett Bartle Boucher  
Boykins Bray 84 Burton Campbell Carter  
Cierpiot Crump Daniel 42 Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Froelker George  
Graham 24 Green Griesheimer Gunn Hagan-Harrell  
Harlan Hartzler 123 Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hosmer Kelley 47 Kelly 27  
Kennedy Luetkenhaus May 108 Mays 50 McClelland  
McKenna Monaco Murray O'Connor O'Toole  
Ostmann Overschmidt Reid Reinhart Reynolds  
Rizzo Ross Scheve Schilling Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Troupe Ward Williams 121 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper Dolan Hartzler 124 Kasten Lakin



Lograsso Ridgeway Secrest Van Zandt

VACANCIES: 002

Representative Williams (159) offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 6, Line 7, by inserting immediately after said line the following:

**"197.317. After July 1, 1983, no certificate of need shall be issued for the following:**

**(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;**

**(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 C.F.R., section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (12) of section 197.305; nor**

**(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed [under] pursuant to this chapter or a nursing care facility licensed [under] pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after July 1, [1999] 2004, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to July 1, [2000] 2005. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section."**

On motion of Representative Williams (159), **House Amendment No. 11** was adopted by the following vote:

AYES: 086

Abel Alter Backer Ballard Barnett

Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser

Black Blunt Boatright Britt Burton

Champion Chrismer Crump Davis 122 Elliott

Enz Evans Fitzwater Foley Foster

Froelker Gaskill Gibbons Graham 106 Gratz

Gross Hampton Hegeman Hickey Hilgemann

Hohulin Hollingsworth Hoppe Howerton Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkemeyer McBride

Merideth Miller Murphy Myers Naeger

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Relford Reynolds Richardson

Robirds Sallee Schwab Scott Seigfreid

Summers Surface Townley Treadway Tudor

Vogel Wagner Ward Wiggins Williams 159

Wright

NOES: 062

Akin Auer Bartle Bonner Boucher  
Bray 84 Campbell Carter Cierpiot Clayton  
Crawford Daniel 42 Davis 63 Days Dougherty  
Farnen Ford Franklin Fraser Gambaro  
George Graham 24 Green Griesheimer Gunn  
Hagan-Harrell Hanaway Harlan Hartzler 123 Hendrickson  
Holand Hosmer Kelley 47 Kelly 27 Luetkenhaus  
Marble May 108 Mays 50 McClelland McKenna  
McLuckie Monaco Murray Nordwald O'Connor  
O'Toole Ostmann Reid Reinhart Ross  
Schilling Selby Shelton Shields Skaggs  
Smith Stokan Thompson 72 Troupe Williams 121  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Boykins Cooper Dolan Hartzler 124 Kasten  
Lakin Lograsso Ridgeway Rizzo Scheve  
Secrest Thompson 37 Van Zandt

VACANCIES: 002

**HCS HB 826, with HS, as amended, pending**, was placed on the Informal Calendar.

**HB 401**, relating to screening for hearing loss in newborns, was taken up by Representative Barry.

Representative Barry offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 401, Page 6, Section 5, Line 16, by inserting after the phrase "**long-term care policy**" the phrase "**short-term major medical policy of six months or less duration**".

On motion of Representative Barry, **House Amendment No. 1** was adopted.

On motion of Representative Barry, **HB 401, as amended**, was ordered perfected and printed.

**HCS HB 793**, relating to gaming, was taken up by Representative Treadway.

Representative Treadway offered **HS HCS HB 793**.

Representative Smith resumed the Chair.

Representative Scheve offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Section 572.010, Page 21, Line 15, by inserting after all of said line the following:

**"Section 1. As used in sections 1 to 8 of this act, the following terms shall mean:**

(1) "Charitable organization", any organization which is organized and operated for the relief of poverty, distress or other condition of public concern within this state or organized for financially supporting the activities of a charitable organization. In order to qualify as a charitable organization, no part of the net earnings of the organization may inure to the benefit of any private shareholder or individual member of the organization. Charitable organizations must have obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), (4), (5), (7), (8), (10), or (19) of the Internal Revenue Code, as amended;

(2) "Commission", the Missouri gaming commission;

(3) "Gross receipts", the total sums wagered by participants on any one raffle or sweepstakes, or in the case of multiple raffles and sweepstakes, the total sums wagered by participants in all such raffles and sweepstakes;

(4) "Raffle or sweepstakes", a game of chance, as defined in section 313.800, RSMo, in which a participant gives something of value for an opportunity to win. Winning opportunities are represented by tickets differentiated by sequential enumeration. Winners are determined by a random drawing of all of the tickets sold. At least sixty percent of the gross receipts collected for the raffle or sweepstakes shall be returned to the participants as either cash or merchandise prizes. The terms "raffle" and "sweepstakes" shall not include any game of chance which uses any mechanical, computer, electronic or video gaming device which has the capability to award something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, or any type of pull-tab ticket unless approved by the commission;

(5) "Raffle or sweepstakes ticket", an individual ticket containing one number from a series of numbers which differentiates such ticket from all other tickets and which accords a person an opportunity to win something of value if its number matches the number drawn randomly by the sponsor of the raffle or sweepstakes;

(6) "Religious organization", any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances. Such an organization may be a society of individuals united for religious purposes at a definite place. In order to qualify as a religious organization, no part of the net earnings of the organization may inure to the benefit of any private shareholder or any individual member of such organization. Religious organizations shall maintain an established place of worship within this state and shall have a regular schedule of services or meetings at least on a weekly basis. Religious organizations must have obtained an exemption from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the Internal Revenue Code, as amended.

**Section 2. 1.** Any bona fide religious or charitable organization, which has been in existence for at least one year and which, during that period, has had twenty bona fide members, may conduct a raffle or sweepstakes with annual gross receipts of ten thousand dollars or less without a license from the commission to do so.

**2.** All receipts from the raffle after deducting the cost of prizes and other expenses of the activity, shall be devoted solely to the charitable purpose for which the organization qualifies as a bona fide charitable or religious organization as defined in section 1 of this act.

**Section 3. 1.** Any charitable or religious organization may apply for a license to conduct a raffle or sweepstakes where the annual gross receipts for all raffles and sweepstakes conducted by such organization are in excess of ten thousand dollars.

**2.** Prior to applying for a license to conduct raffles and sweepstakes, an organization shall:

(1) Be incorporated in this state for a period of at least one year as a not-for-profit corporation or organized in this state as a religious or not-for-profit organization;

(2) Have at least twenty members in good standing;

(3) Conduct activities within this state in addition to conducting raffles and sweepstakes;

(4) Be authorized by its constitution, articles, charter, or bylaws to further in this state a lawful purpose; and

(5) Operate without profit to its members and no part of the net earnings of such organization shall inure to the



benefit of any private shareholder or individual.

Section 4. The application form for licensure under this section shall be prescribed by the commission and shall contain the following information:

- (1) The name and address of the organization;
- (2) A copy of the document from the United States Internal Revenue Service which grants the applicant tax-exempt status and the federal identification number;
- (3) A statement that the organization has been in continuing existence in this state for one year immediately preceding the making of the application and that it has had during that period a bona fide membership of at least twenty persons;
- (4) A statement as to whether the organization has had any previous application refused, revoked or suspended;
- (5) A detailed statement of the purpose for which the raffle and sweepstakes proceeds will be used;
- (6) A copy of the articles of incorporation and certificate of incorporation of the organization, if applicable;
- (7) A sworn statement signed by an officer or the secretary of the organization verifying that the statements contained in the application are true;
- (8) The name and address of a person authorized to receive service of process on behalf of the organization; and
- (9) Such other information deemed necessary by the commission.

Section 5. The following persons and organizations shall not participate in the management, conduct or operation of any raffle or sweepstakes:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who has ever purchased a tax stamp for wagering or gambling activity;
- (4) Any person who has been convicted of or pleaded nolo contendere to any illegal gambling activity or forfeited bond for not appearing while charged with any illegal gambling activity;
- (5) Any person, based on the person's prior activities or criminal record, if any, poses a threat to the public interest or to the effective regulation and control of a raffle or sweepstakes, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of a raffle or sweepstakes or the carrying on of the business and financial arrangements incidental to the conduct of a raffle or sweepstakes;
- (6) Any firm, organization or corporation in which a person defined in subdivision (5) of this subsection is an officer, director or employee, whether compensated or not;
- (7) Any firm, organization or corporation in which a person defined in subdivision (5) of this subsection is to participate in the management or operations of a raffle or sweepstakes.

Section 6. The conducting of all raffles and sweepstakes is subject to the following restrictions:

(a) Proceeds from any raffle or sweepstakes may not be loaned to any person, except that this provision shall not prohibit the investment of the proceeds in any licensed banking or savings institution, instrument of the United States, Missouri, or any political subdivision thereof. Any person who violates the provisions of this paragraph is guilty of a class C misdemeanor; and

(b) The actual cost of conducting any raffle or sweepstakes shall only include the following:

- a. The cost of the prizes;
- b. The purchasing of the raffle and sweepstakes tickets;
- c. Subject to constitutional restrictions, if any, the fair market cost of advertising each raffle or sweepstakes. Such advertising shall be procured in accordance with the rules and regulations of the commission;

(2) No person shall participate in conducting or managing any raffle or sweepstakes except a person who has been a bona fide member of the organization for at least two years immediately preceding such participation, who is not a paid staff person of the organization employed and compensated specifically for conducting or managing any raffle or sweepstakes and who volunteers the time and service necessary to conduct any raffle or sweepstakes. Subject to constitutional restrictions, if any, no person shall participate in the actual operation of any raffle or sweepstakes under the direction of a person conducting or managing any raffle or sweepstakes, except a person who has been a bona fide member of the organization for at least one year immediately preceding such participation, who is not a paid staff person of the organization employed and compensated specifically for operating raffles and sweepstakes and who volunteers the time and service necessary to operate the raffle or sweepstakes. If any post or organization, by its national charter, has established an auxiliary organization for spouses, then members of the auxiliary



organization shall be considered bona fide members of the organization and members of the post or organization shall be considered bona fide members of the auxiliary organization for the purposes of this subdivision. Any person who is a duly ordained member of the clergy and any person who is a full-time employee or staff member of the organization employed for at least two years by that organization in a capacity not directly related to the conducting or managing of any raffle or sweepstakes, who has specific assigned duties under a definite job description with the organization, and who volunteers time and assistance to the organization without compensation for such time and assistance in the conducting and managing of any raffle or sweepstakes by the organization shall not be considered a paid staff person for the purposes of this subdivision. No full-time employee or staff member shall volunteer such time and assistance to more than one organization nor more than one day in any week;

(3) No person, firm, partnership or corporation shall receive any remuneration, profit or gift for participating in the management, conduct or operation of any raffle or sweepstakes, including the granting or use of raffle and sweepstakes tickets without charge or at a reduced charge from the organization or from any other source;

(4) No organization shall conduct more than one raffle or sweepstakes in any thirty-day period;

(5) No person under the age of sixteen years may play or participate in the conducting of any raffle or sweepstakes;

(6) No vending machine or any mechanized coin-operated machine may be used to sell raffle or sweepstakes tickets or to pay prize money, merchandise gifts or any other form of a prize;

(7) No rented or reusable raffle or sweepstakes tickets may be used to conduct any game. All raffles and sweepstakes shall be conducted with disposable paper tickets that are marked by permanent ink.

**Section 7.** Any person who violates any provision of sections 1 to 6 of this act is guilty of a class A misdemeanor.

**Section 8.** The commission shall have the authority to promulgate rules and regulations as necessary to implement the provisions of sections 1 to 7 of this act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Representative Loudon raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Scheve, **House Amendment No. 1** was adopted.

Representative Wright offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 9, Subsection (4), Lines 35 and 36, by deleting; "three hundred dollars" and inserting in lieu thereof: "one hundred dollars".

Representative Akin offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1*

for

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 16, Section 572.010, Line 10, by deleting from line 10 to end of bill on page 21, line 15 (Section 572.010).

**HCS HB 793, with House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 2, and HS, as amended, pending,** was laid over.

## COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed,** Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 58, HB 903, HB 926, HB 748 and HB 415**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 472**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HJR 34**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 88**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 717**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 730**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 481**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 313**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### House Resolution No. 313

WHEREAS, the Missouri House of Representatives has a long tradition of rendering assistance to those programs aimed at developing outstanding qualities of both citizenship and leadership; and

WHEREAS, the legislative interns of the Missouri General Assembly are interested in gaining an insight into the democratic process by conducting a mock legislative forum in the House Chamber; and

WHEREAS, one of the purposes of the Missouri General Assembly's intern program is to give college students participating in the program a working knowledge of the operation and function of Missouri's legislative bodies in order to better prepare them to pursue related career goals and to fulfill their roles as active and responsible citizens:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, hereby grant the participants of the Legislative and State Official Intern Program permission to use the House Chamber for the purpose of conducting their 1999 Mock Legislative Session from 10:00 a.m. until 1:00 p.m. on Tuesday, April 6 and Monday, April 12, 1999.

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HR 366**, begs leave to report it has examined the same and recommends that it **Do Not Pass pursuant to Rule 29f**.

House Resolution No. 366

WHEREAS, on February 4, 1999, the Governor submitted Reorganization Plan No. 1 to the General Assembly; and

WHEREAS, Sections 26.500 to 26.540, RSMo, adopted in 1967, authorize the Governor to reorganize executive departments without prior approval from the General Assembly; and

WHEREAS, disapproval must occur within 60 days or by April 5, 1999, and may be accomplished through adoption of a resolution by one house; and

WHEREAS, a change of this magnitude should not be undertaken without a full hearing in committee and debate of the full House of Representatives; and

WHEREAS, the proposal to sever the Employment Security Division from the Unemployment Insurance Division and move the Employment Security Division to the Department of Economic Development is contrary to national trends to consolidate workforce development systems and could affect Missouri's ability to receive future grants; and

WHEREAS, separating the Division of Employment Security from the Unemployment Insurance Division would not achieve workforce development program consolidation; and

WHEREAS, the U.S. Department of Labor requires that the Division of Employment Security's services be universally accessible to all customers and the Department of Economic Development's Division of Job Development and Training is designed to serve selected economically disadvantaged and dislocated workers; and

WHEREAS, administrative barriers associated with moving the Division of Employment Security to the Department of Economic Development are substantial and unnecessary; and

WHEREAS, the Department of Labor and Industrial Relations has fifty years of experience matching employers who need workers with job ready workers; and

WHEREAS, the Department of Labor and Industrial Relations has a proven history of preparing citizens to enter the workforce and/or enhance their career skills; and

WHEREAS, the federal Workforce Investment Act of 1998 grants extraordinary power to the State Executive Branch, including but not limited to, the sole authority to develop, approve and direct state plans, predict future available jobs at the state and local levels, determine the training necessary to fill these predicted job slots, decide who will provide the training, and oversee the management of the One-Stop Delivery Systems all to the exclusion of input from the Legislative Branch; and

WHEREAS, this new system will not streamline government but will result in a huge new bureaucracy which greatly expands the power and control of the federal government and infringes on state's rights with no authority or oversight from the Legislative Branch; and

WHEREAS, implementation of this new system may result in unknown additional costs to taxpayers for increased services, i.e., expanded counseling, pre-vocational services, taxpayer subsidy of job training services for employer's "Customized Job Training" services, and additional administrative costs; and

WHEREAS, the Department of Labor and Industrial Relations has demonstrated success in providing workforce assistance to Missouri citizens:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Ninetieth General Assembly, First Regular Session, that Reorganization Plan No. 1, issued by Governor Mel Carnahan on February 4, 1999, and read in the House on



February 4, 1999, be disapproved.

**Committee on Urban Affairs**, Chairman Thompson reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HB 347**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted: **SCR 12**.

#### Senate Concurrent Resolution No. 12

WHEREAS, one of the state's highest duties is to protect and promote the well-being of its smallest citizens; and

WHEREAS, there were 230 abortions for every 1000 live births in 1996, over one-half of which were performed for women age twenty-four or younger; and

WHEREAS, the National Council for Adoption estimates the national number of adoptions of infants two years or younger to be approximately 25,000 a year; and

WHEREAS, Missouri generally represents approximately two per-cent of most broad based national statistics, which would result in a calculation of 500 infant adoptions annually, and in 1994, the Department of Health recorded 308 infant adoptions; and

WHEREAS, according to such a calculation, this state experiences thirty-four abortions for each infant adoption, despite the existence of many individuals who are willing and indeed waiting to adopt infants in this state; and

WHEREAS, there is a need to understand the basis for the disproportionate estimated number of abortions to adoptions, in order to assist in the formulation of an effective policy to facilitate a greater number of adoptions and to discourage abortions; and

WHEREAS, this type of understanding would be fostered by the creation of a panel to study the issue in depth, and to determine how best to initiate a statewide public information program to inform citizens of the advantages of adoption as an alternative to abortion;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Ninetieth General Assembly, the House of Representatives concurring therein, hereby establish the "Adoption Trends and Policies Panel" to be composed of fifteen members. The members shall consist of two Senators appointed by the President Pro Tem of the Senate, representing each political party, two state Representatives appointed by the Speaker of the House, representing each of the major political parties, the Director of the Department of Social Services or designee, and the Director of the Department of Health or designee and nine citizen members appointed by the Governor; and

BE IT FURTHER RESOLVED that said panel conduct an in-depth study and make appropriate recommendations concerning measures to determine the basis for the disproportionate estimated number of abortions to adoptions, formulate a policy to facilitate a greater number of adoptions and to discourage abortions, determine how best to establish a statewide public information program to inform citizens of the advantages of adoption as an alternative to abortion, and any other issues the committee deems relevant;

BE IT FURTHER RESOLVED that the panel prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly no later than December 15, 1999; and

BE IT FURTHER RESOLVED that the panel may solicit any input and information necessary to fulfill its obligations, to the Department of Health, Department of Social Services, and representatives of private and public agencies and citizen groups formed to address issues concerning adoption and abortion; and



BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the panel may require in performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the executive branch members be paid out of the respective department funds and the actual and necessary expenses of the remaining panel, its members and any staff personnel assigned to the committee incurred in attending meetings of the panel shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to be delivered to the Governor.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, March 31, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-third Day, Monday, March 29, 1999, pages 925 and 926, roll call, by showing Representatives Long and Surface voting "aye" rather than "absent with leave".

Pages 925 and 926, roll call, by showing Representative Luetkenhaus voting "no" rather than "absent with leave".

#### **COMMITTEE MEETINGS**

##### **AGRICULTURE**

Wednesday, March 31, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow. AMENDED NOTICE.

To be considered - HCR 29, SB 310, SCR 16

##### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, March 31, 1999. Side gallery upon morning adjournment.

Mark-up. CORRECTED NOTICE.

##### **BUDGET**

Wednesday, March 31, 1999, 8:00 am. Hearing Room 6.

To be considered - HB 17, HB 18

##### **BUDGET**

Wednesday, March 31, 1999. Hearing Room 6 upon morning adjournment. CANCELLED.

To be considered - HB 17, HB 18

##### **BUDGET**

Thursday, April 1, 1999, 8:00 am. Hearing Room 6. CANCELLED.

To be considered - HB 17, HB 18

## BUDGET

Thursday, April 1, 1999. Hearing Room 6 upon morning adjournment if needed. CANCELLED.

To be considered - HB 17, HB 18

## CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 31, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

To be considered - SB 239, SB 309, SB 329, Executive Session - SB 112,

Executive Session - SB 124, Executive Session - SB 189

## CONSUMER PROTECTION AND HOUSING

Tuesday, April 6, 1999, 8:00 pm. Hearing Room 7. Executive session to follow.

To be considered - SB 20

## CRITICAL ISSUES

Wednesday, March 31, 1999, 9:45 am. Northwest side gallery.

To be considered - Executive Session - HJR 35, Executive Session - SB 276

## ELECTIONS

Wednesday, March 31, 1999, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 345, HJR 30, SB 31, Executive Session - HB 182,

Executive Session - HB 297, Executive Session - HB 345

## ENVIRONMENT AND ENERGY

Wednesday, March 31, 1999, 7:30 pm. Hearing Room 8.

To be considered - HB 1003, HCR 28, SB 334, SB 353, SB 479

## ETHICS

Wednesday, March 31, 1999. Side gallery upon morning adjournment.

Addition to Caucus: Greater KC Demo Caucus and Greater KC Caucus.

## JOINT COMMITTEE ON WETLANDS

Thursday, April 1, 1999, 8:30 am. Hearing Room 7. Update and

informational meeting. Representatives U.S. Army Corps of Engineers in attendance.

## JUDICIARY

Wednesday, March 31, 1999. Side gallery upon evening adjournment.

To be considered - Executive Session - HB 205, Executive Session - SB 278

## MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 31, 1999, 9:15 am. Hearing Room 9.

To be considered - HR 49, HR 193, HR 200, SCR 11

#### MUNICIPAL CORPORATIONS

Wednesday, March 31, 1999. Hearing Room 7 upon morning adjournment.

To be considered - Executive Session - HB 1009, Executive Session - SB 76

#### PROFESSIONAL REGISTRATION & LICENSING

Wednesday, March 31, 1999, 6:45 pm. Hearing Room 5.

To be considered - HB 970, HB 1024, SB 244, SB 249, SB 325, SB 362, SB 424

#### PUBLIC HEALTH

Wednesday, March 31, 1999, 8:30 am. Hearing Room 7. Possible executive session.

To be considered - HB 1029, SB 158, SB 320, SB 379

#### RETIREMENT

Wednesday, March 31, 1999, 8:00 pm. Hearing Room 7. Executive session to follow.

To be considered - SB 180, SB 308, SB 349, SB 410

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Wednesday, March 31, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - HCR 27, Executive Session - SB 7,  
Executive Session - SB 83

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, March 31, 1999, 1:00 pm. Hearing Room 8. Executive session.

AMENDED NOTICE.

To be considered - SB 352, SB 401, SB 433, SB 434, SB 435

#### TRANSPORTATION

Wednesday, March 31, 1999, 12:30 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 10, SB 17, SB 268, SB 294

#### URBAN AFFAIRS

Tuesday, April 6, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

CORRECTED NOTICE.

To be considered - SB 196, SB 197

#### HOUSE CALENDAR

FORTY-FIFTH DAY, WEDNESDAY, MARCH 31, 1999

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 793, HSA 1 for HA 2, HA 2, & HS, as amended, pending - Treadway

- 2 HCS HB 701 - Rizzo
- 3 HCS HB 603, 722 & 783 - Wiggins
- 4 HCS HB 822 - Liese
- 5 HCS HB 718, 225, 876 & 838 - Harlan
- 6 HB 115 - Kreider
- 7 HCS HB 441 - Riback Wilson
- 8 HCS HB 256 - George
- 9 HB 700 - Mays (50)
- 10 HCS HB 736, 515 & 508 - Hagan-Harrell
- 11 HCS HB 460 - O'Toole
- 12 HCS HB 911 - Clayton

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 2 HCS HB 166 - McLuckie
- 3 HB 492 - Hosmer
- 4 HCS HB 826, HS, as amended, pending - Harlan

#### **HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

- HB 454 - Carter

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 25, 1999)

- 1 HB 965 - Riback Wilson
- 2 HB 812 - Berkowitz
- 3 HB 987 - Backer
- 4 HB 808 - Naeger

(March 29, 1999)

- 5 HB 979 - Auer
- 6 HB 230 - Days
- 7 HB 988 - Backer
- 8 HB 929 - Griesheimer

(March 30, 1999)

- 9 HB 199 - Ridgeway
- 10 HB 857 - Monaco



(March 31, 1999)

11 HB 1045 - Kennedy

12 HB 472 - Nordwald

**SPECIAL RESOLUTION PURSUANT TO RULE 3(vv)**

HR 366 - Gibbons

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

HCS HB 818, (Fiscal Review 3-30-99) - Days

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 268 - Crawford

2 HB 499 - Hartzler (123)

3 HB 789 - Berkstresser

4 HB 426 - Ridgeway

5 HB 550 - Howerton

6 HB 548 - Kennedy

7 HB 846 - Carter

8 HB 266, E.C. - Britt

9 HB 847 - Relford

10 HB 745 - Kreider

11 HB 452 - Boatright

12 HB 775 - Hosmer

13 HB 542 - Barry

14 HB 122 - Gaskill

15 HB 58 - Treadway

16 HB 903 - Auer

17 HB 926 - Liese

18 HB 748 - O'Toole

19 HB 415 - Vogel

**SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 12

**SENATE BILLS FOR THIRD READING - CONSENT**

(March 25, 1999)

1 SB 169 - Boucher

2 SB 188 - Smith

(March 30, 1999)

3 SB 184 - Scheve

4 HCS SCS SB 275, E.C. - Hosmer

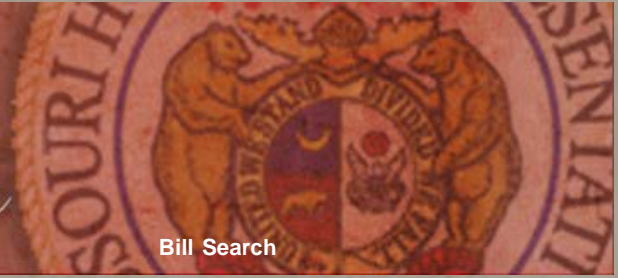
5 SB 237 - Hosmer



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FORTY-FIFTH DAY, Wednesday, March 31, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Give us open eyes, Gracious God, to see the beauty that is all about us, and to see in that beauty Your hand. Let all things good and truthful, all things faithful and just, fill us with a deep joy at life.

Give to this House a strong and profound sense that You are here. And by grace, grant that we can go no place this day where You can not come, nor engage in any business where You can not be our companion.

For thine is the Kingdom, the Power and the Glory forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Bret Morton, Andrew Morton, Kelsey Walker, Kaylor Walker, Spencer Richardson, Sam Richardson, Spencer Anderson, Stephanie Anderson, Brad Anderson, Amanda Barrier, Seth Rogers, Alisa Townley, Sarah Gibbons, Julia Gibbons, Laura Gibbons, Mary Gibbons, Neal Goodpasture, Nina Goodpasture and Joshua Miller.

The Journal of the forty-fourth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 564 - Representative Secrest

House Resolution No. 565 - Representative Treadway

House Resolution No. 566 through House Resolution No. 569 - Representative Fitzwater

House Resolution No. 570 - Representative Gaw, joined by the entire House membership

House Resolution No. 571 - Representative Dolan

House Resolution No. 572 - Representative Thompson (72)

### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 12** was read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 401, HCS HBs 850 & 851, HCS HB 389, HS HCS HB 852 and HS HB 753**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

### PERFECTION OF HOUSE BILL - FEDERAL MANDATE

**HB 454**, relating to cancer information reporting system, was taken up by Representative Carter.

Representative Carter offered **HS HB 454**.

On motion of Representative Carter, **HS HB 454** was adopted.

On motion of Representative Carter, **HS HB 454** was ordered perfected and printed.

### PERFECTION OF HOUSE BILLS

**HCS HB 793, with House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 2, and HS, as amended, pending**, relating to gaming, was taken up by Representative Treadway.

Representative Akin moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 069

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Black Blunt Boatright

Campbell Champion Chrismer Cierpiot Crawford

Elliott Enz Evans Foster Froelker

Gaskill Gibbons Graham 106 Gross Hampton

Hanaway Hartzler 123 Hegeman Hendrickson Hilgemann

Holand Hosmer Howerton Kelley 47 Kennedy

King Klindt Legan Levin Linton

Loudon Luetkemeyer Marble McClelland Miller

Murphy Myers Naeger Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Robirds Sallee Schilling Schwab Scott

Seigfreid Shields Smith Stokan Summers

Surface Townley Tudor Wright



NOES: 082

Abel Auer Backer Barry 100 Bennett  
Berkowitz Bonner Boucher Boykins Bray 84  
Britt Carter Clayton Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Graham 24 Gratz  
Green Griesheimer Gunn Hagan-Harrell Harlan  
Hickey Hohulin Hollingsworth Hoppe Kelly 27  
Kissell Koller Kreider Lakin Lawson  
Leake Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Merideth Monaco  
Murray O'Connor O'Toole Ostmann Overschmidt  
Parker Relford Reynolds Richardson Rizzo  
Ross Scheve Selby Shelton Skaggs  
Thompson 37 Thompson 72 Treadway Troupe Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton Cooper Hartzler 124 Kasten Lograsso  
Long Nordwald Ridgeway Secrest Williams 121

VACANCIES: 002

Representative Wright moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Gunn offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 5, Section 313.805, Line 14 by inserting after all of said line the following:

**"(17) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan to assure maximum employment of African-Americans and other minorities and maximum**

participation in the procurement of contractual purchases of goods and services. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering"; and

Further amend said section, line 15 by inserting an opening bracket "[" before the "(" in said line; and

Further amend said line by inserting a closing bracket "]" after the ")"; and

Further amend said line by inserting before the word "To" the following: **"(18)"**.

On motion of Representative Gunn, **House Amendment No. 3** was adopted.

Representative Ladd Stokan offered **House Amendment No. 4**.

**House Amendment No. 4** was withdrawn.

Representative Ladd Stokan offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 4, Section 313.805, Subsection (13), Line 13, by inserting after the word "boat" the following:

**". Cashless wagering systems may be used to enforce loss limits but shall not be used to collect identifying information about any player. Such cashless wagering systems shall not collect or provide information to track or contact individual players in any way for any purpose. This does not preclude the Commission from directing and supervising data collection for statistical purposes which does not identify individual players."**

Representative Ladd Stokan moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Bray 84 Britt Campbell Champion

Chrismer Cierpiot Crawford Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Gross Hanaway Hegeman Hendrickson Hilgemann

Hohulin Holand Howerton Kelley 47 Kennedy

King Klindt Legan Levin Linton

Long Loudon Luetkemeyer Marble McClelland

Miller Myers Patek Pouche Pryor

Purgason Reid Reinhart Richardson Robirds

Ross Sallee Schilling Schwab Selby

Shields Stokan Summers Surface Townley

Tudor Wilson Wright

NOES: 081

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Burton Carter Clayton  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Farnen Fitzwater  
Foley Ford Franklin Gambaro George  
Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hickey  
Hoppe Kelly 27 Kissell Koller Kreider  
Lakin Lawson Leake Liese Lograsso  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murphy Murray  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Ransdall Relford Reynolds Rizzo  
Scheve Seigfreid Shelton Skaggs Smith  
Thompson 37 Thompson 72 Treadway Troupe Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Mr. Speaker

PRESENT: 002

Boykins Fraser

ABSENT WITH LEAVE: 010

Cooper Hartzler 124 Hollingsworth Hosmer Kasten  
Nordwald Ridgeway Scott Secrest Williams 121

VACANCIES: 002

Representative Froelker offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 12, Section 313.830, Lines 4-5, by striking said lines and inserting in lieu thereof the following:

"misdemeanor.] is guilty of a class "B" misdemeanor for the first offense and a class "A" misdemeanor for the second and subsequent offenses for any of the following:".

On motion of Representative Froelker, **House Amendment No. 5** was adopted.

Representative Boatright offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 19, Section (5), Line 10, by deleting

"an amusement device shall not be identical in purpose to casino games which have the purpose of cash payout;" and insert in lieu thereof:

**No amusement device shall simulate a slot machine and/or any gambling game of skill or video representations which are specifically enumerated in subdivision (12) of subsection 1 of section 313.800, RSMo.**

On motion of Representative Boatright, **House Amendment No. 6** was adopted by the following vote:

AYES: 085

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkstresser Black Blunt Boatright  
Burton Campbell Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Ford Foster Froelker Gambaro Gaskill  
Gibbons Graham 106 Gross Hampton Hanaway  
Hartzler 123 Hegeman Hendrickson Hilgemann Hohulin  
Howerton Kelley 47 Kelly 27 King Klindt  
Lawson Legan Levin Linton Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
McLuckie Merideth Miller Monaco Murphy  
Myers Naeger Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Richardson  
Ridgeway Robirds Ross Sallee Schilling  
Schwab Scott Seigfreid Shields Smith  
Stokan Summers Surface Townley Tudor  
Vogel Williams 121 Williams 159 Wright Mr. Speaker

NOES: 064

Abel Auer Barry 100 Bennett Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Carter Clayton Crump Daniel 42 Davis 122  
Davis 63 Days Dougherty Farnen Fitzwater  
Foley Franklin Fraser George Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Harlan Hickey Hoppe Kissell Koller  
Lakin Leake Liese Luetkenhaus May 108  
Mays 50 McBride McKenna Murray O'Connor  
O'Toole Ostmann Overschmidt Parker Relford  
Reynolds Rizzo Scheve Selby Shelton  
Skaggs Thompson 37 Thompson 72 Treadway Van Zandt  
Wagner Ward Wiggins Wilson



PRESENT: 000

ABSENT WITH LEAVE: 012

Backer Cooper Hartzler 124 Holand Hollingsworth

Hosmer Kasten Kennedy Kreider Nordwald

Secrest Troupe

VACANCIES: 002

Representative Ballard offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 18, Subsection 4, Line 15, by adding:

In addition, the value of tickets or coupons dispensed by machines in a single play shall not exceed that cost of play, nor shall the cumulative value of tickets or coupons exceed the cost of those multiple plays.; and

Further amend page 19, subsection 5, line 11, by adding:

In addition, the value of tickets or coupons dispensed by machines in a single play shall not exceed that cost of play, nor shall the cumulative value of tickets or coupons exceed the cost of those multiple plays.

Representative Scheve assumed the Chair.

Speaker Gaw assumed the Chair.

Representative Ballard moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 054

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Blunt Boatright Burton

Champion Chrismer Cierpiot Crawford Elliott

Enz Evans Foster Froelker Gaskill

Gibbons Graham 106 Gross Hartzler 123 Hegeman

Hendrickson Holand Howerton Kelley 47 King

Klindt Levin Linton Loudon Marble

McClelland Miller Myers Naeger Pouche

Pryor Purgason Reid Reinhart Ridgeway

Robirds Sallee Schwab Scott Shields

Summers Surface Townley Wright

NOES: 091

Abel Backer Barry 100 Bennett Berkowitz

Black Bonner Boucher Boykins Bray 84  
Britt Campbell Carter Clayton Crump  
Daniel 42 Davis 122 Davis 63 Days Dougherty  
Farnen Foley Ford Franklin Fraser  
Gambaro George Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hickey Hilgemann Hohulin Hollingsworth  
Hoppe Kelly 27 Kennedy Kissell Koller  
Lakin Lawson Leake Liese Long  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murphy Murray  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Ransdall Relford Reynolds Richardson  
Rizzo Scheve Schilling Seigfreid Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Cooper Dolan Fitzwater Hartzler 124  
Hosmer Kasten Kreider Legan Lograsso  
Luetkemeyer Nordwald Ross Secrest Troupe  
Williams 121

VACANCIES: 002

Representative Gross offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 793, Page 5, Section 313.805, Line 14, by inserting after all of said line the following:

**"(17) To require a licensee beginning construction on a new excursion gambling boat or improvements to an existing facility to provide to the commission and home dock city or county with a completion date for the construction or improvement;"**; and

Further amend said section, line 15, by placing a "[" before the "(" and a "]" after the ")"; and

Further amend said line by inserting after "(17)" the following: "(18)".

Representative Foley raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Gross moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

On motion of Representative Treadway, **HS HCS HB 793, as amended**, was adopted.

On motion of Representative Treadway, **HS HCS HB 793, as amended**, was ordered perfected and printed.

**HCS HB 701**, relating to enterprise zones, was taken up by Representative Rizzo.

Representative Rizzo offered **HS HCS HB 701**.

Representative Rizzo offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 701, Page 1, In the Title, Line 4 of said page, by deleting the phrase "enterprise zones" and inserting in lieu thereof the following: "tax credit programs administered by the department of economic development"; and

Further amend said bill, Page 1, In the Title, Line 5 of said page, by deleting the word "four" and inserting in lieu thereof the following: "five"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "four" and inserting in lieu thereof the following: "five"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by inserting after the word "sections" the following: "135.115"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"135.115. The right to receive the tax credits described in section 135.110 shall vest in the taxpayer upon commencement of operations of the revenue-producing enterprise, but the taxpayer shall waive such vested right for any given year in which the taxpayer fails to meet the terms and conditions of sections 135.100 to 135.150. Representations made by the department of economic development and relied upon in good faith by the taxpayer shall be binding upon the state of Missouri to the extent such representations are consistent with the provisions of this chapter. The provisions of this section shall apply to all revenue-producing enterprises which are eligible for incentives pursuant to this section and which commenced operations on or after January 1, 1996, to the extent such incentives do not exceed the ten-year limitation set forth in subsection 1 of section 135.110.";** and

Further amend said bill, Page 11, Section 135.225, Line 14 of said page, by deleting the word "**may**" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 11, Section 135.225, Line 16 of said page, by deleting the number "**135.150**" and inserting in lieu thereof the number "**135.268**"; and

Further amend said bill, Page 11, Section 135.225, Line 20 of said page, by inserting after the word "**chapter.**" the following: "**The provisions of this subsection shall apply to all revenue-producing enterprises which are eligible for incentives pursuant to this subsection and which commenced operation on or after January 1, 1996, to the extent such incentives do not exceed the fifteen-year limitation pursuant to subsection 1 of section 135.230 or the seven-year limitation pursuant to subsection 5 of section 135.230.**".

On motion of Representative Rizzo, **House Amendment No. 1** was adopted.

Representative Mays (50) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 701, Page 1, In the Title, Line 5 of said page, by deleting the word "four" and inserting in lieu thereof the following: "five"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "four" and inserting in lieu thereof the following: "five"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by inserting after the number "135.207," the following: "135.209,"; and

Further amend said bill, Page 6, Section 135.207, Line 2 of said page, by inserting after all of said line the following:

**"135.209. 1. Any city in which an enterprise zone is designated pursuant to subsection 5 of section 135.208, RSMo, may, upon approval of the local governing authority of the city and the director of the department of economic development, designate one satellite enterprise zone within its corporate limits. A prerequisite for the designation of the satellite zone shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.**

**2. The satellite enterprise zone authorized by this section shall be designated only if it meets the criteria established by subdivisions (1) to (4) of subsection 2 of section 135.207. Retail businesses, as identified by the 1997 North American Industry Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258."**

On motion of Representative Mays (50), **House Amendment No. 2** was adopted.

Representative Green offered **House Amendment No. 3**.

Representative Lograsso raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Sallee offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 701, Page 1, In the Title, Line 2 of said page, by inserting after the number "135.207," the following: "135.208,"; and

Further amend said bill, Page 1, In the Title, Line 5 of said page, by deleting the word "four" and inserting in lieu thereof the following: "five"; and

Further amend said bill, Page 1, Section A, Line 9 of said page, by inserting after the number "135.207," the following: "135.208,"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "four" and inserting in lieu thereof the following: "five"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by inserting after the number "135.207" the following: "135.208"; and

Further amend said bill, Page 6, Section 135.207, Line 2 of said page, by inserting after all of said line the following:

**"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.**

**2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.**

**3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.**



4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

**7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than two thousand nine hundred located in a county of the third classification without a township form of government with a population of less than twelve thousand and more than eleven thousand seven hundred inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205."**

On motion of Representative Sallee, **House Amendment No. 3** was adopted.

Representative Chrismer offered **House Amendment No. 4**.

Representative Monaco raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hohulin offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 701, Page 4, Section 135.207, last line, by adding the following:

**"7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the third classification with a township form of government and with a population of less than twelve thousand and more than eleven thousand inhabitants. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205."**

Further amend title and enacting clause accordingly.

On motion of Representative Hohulin, **House Amendment No. 4** was adopted by the following vote:

AYES: 112

Alter Auer Backer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Crawford

Crump Daniel 42 Davis 122 Dolan Elliott  
Enz Evans Foster Fraser Gambaro  
Gaskill Gibbons Graham 106 Gratz Griesheimer  
Gross Hampton Hanaway Hartzler 123 Hegeman  
Hendrickson Hohulin Hollingsworth Hosmer Howerton  
Kelley 47 Kelly 27 Kennedy King Klindt  
Koller Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Loudon  
Luetkemeyer Marble May 108 Mays 50 McClelland  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Reid Reinhart Relford Reynolds Richardson  
Rizzo Robirds Sallee Schilling Schwab  
Scott Shields Skaggs Stokan Summers  
Surface Thompson 72 Treadway Troupe Tudor  
Van Zandt Vogel Ward Williams 159 Wilson  
Wright Mr. Speaker

NOES: 031

Abel Akin Clayton Davis 63 Days  
Farnen Fitzwater Foley Ford George  
Graham 24 Green Gunn Hagan-Harrell Harlan  
Hickey Hilgemann Kissell Linton Luetkenhaus  
McBride McKenna O'Connor Patek Ransdall  
Seigfreid Selby Shelton Smith Wagner  
Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 018

Boatright Cooper Dougherty Franklin Froelker  
Hartzler 124 Holand Hoppe Kasten Kreider  
Nordwald Ridgeway Ross Scheve Secrest  
Thompson 37 Townley Williams 121

VACANCIES: 002

Representative Backer offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 701, Page 4, Section 135.208, last line, by adding the following:

**"7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the second classification with a population of less than forty-five thousand inhabitants. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205."**

On motion of Representative Backer, **House Amendment No. 5** was adopted.

Representative Lograsso offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 701, Page 4, Section 135.207, last line, by adding the following:

**7. In addition to the number of enterprise zones authorized pursuant to the provisions of section 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the third classification without a township form of government with a population of less than twenty-four thousand five hundred inhabitants and more than twenty-four thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.**

On motion of Representative Lograsso, **House Amendment No. 6** was adopted by the following vote:

AYES: 135

Abel Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Bonner Boucher

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel 42 Davis 122 Davis 63 Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hampton Hanaway Harlan

Hartzler 123 Hegeman Hendrickson Hilgemann Hohulin

Hollingsworth Hosmer Howerton Kelley 47 Kelly 27

Kennedy King Kissell Klindt Lakin

Lawson Leake Legan Levin Liese

Lograsso Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Rizzo Robirds Sallee  
Schilling Schwab Scott Seigfreid Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 008

Akin Barnett Hagan-Harrell Hickey Linton  
Long Ross Selby

PRESENT: 000

ABSENT WITH LEAVE: 018

Boatright Boykins Cooper Days Froelker  
Hartzler 124 Holand Hoppe Kasten Koller  
Kreider Loudon Nordwald Ridgeway Scheve  
Secrest Shelton Thompson 37

VACANCIES: 002

On motion of Representative Rizzo, **HS HCS HB 701, as amended**, was adopted.

On motion of Representative Rizzo, **HS HCS HB 701, as amended**, was ordered perfected and printed.

**HCS HBs 603, 722 & 783**, relating to solid waste management, was taken up by Representative Wiggins.

Representative Wiggins offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 603, 722, and 783, Page 12, Section 1, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

**"Section 1. Processed waste tires and recycled rubber chips may be used in the design and operation of sanitary landfills, including use of such tires and rubber chips as daily cover. The department of natural resources may promulgate"**

On motion of Representative Wiggins, **House Amendment No. 1** was adopted.

Representative Griesheimer offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 603, 722, and 783, Page 4, Section 260.205, Lines 60 to 61, by



deleting the words: "**both printed and**" and inserting in lieu thereof the words: "**printed or**" ; and

Further amend said bill, Page 4, Section 260.205, Line 62, by deleting the word: "**sixty**" and inserting in lieu thereof the word: "**thirty**" ; and

Further amend said bill, Page 4, Section 260.205, Line 67, by deleting the word: "**thirty**" and inserting in lieu thereof the word: "**fourteen**" ; and

Further amend said bill, Page 4, Section 260.205, Line 68, by deleting the word: "**thirty**" and inserting in lieu thereof the word: "**fourteen**".

On motion of Representative Griesheimer, **House Amendment No. 2** was adopted.

Representative Bennett offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 603, 722 and 783, Page 2, Section 260.205, Line 1, by inserting immediately before all of said line, the following:

**"After the effective date of this act no political subdivision shall be granted any permit, license, or grant of authority to own, operate or control any land outside its boundaries and used for any purpose subject to regulation pursuant to section 260.200 to 260.345, RSMo, without meeting the zoning requirements of the political subdivision in which the land is located in effect on the date of application."**

**HCS HBs 603, 722 & 783, as amended, with House Amendment No. 3, pending,** was laid over.

On motion of Representative Crump, the House recessed until 2:15 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nicole Barrier, Amanda Barrier and Katie Zvacek.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 573 - Representative Klindt

House Resolution No. 574 - Representative Leake

House Resolution No. 575 - Representative Skaggs

#### **SPECIAL RESOLUTION PURSUANT TO RULE 3 (vv)**

**HR 366**, relating to disapproval of Governor's Reorganizational Plan, was taken up by Representative Gibbons.

Representative Gibbons moved that **HR 366** be adopted.

Representative Kelly (27) raised a point of order that **House Resolution No. 366** was voted out of committee "Do Not Pass" and according to Rule 44 a constitutional majority is required to place the resolution on the calendar.

The Chair ruled the point of order well taken.

The motion to adopt **HR 366** was withdrawn.

Representative Gibbons moved that Rule 44 be suspended.

Which motion was adopted by the following vote:

AYES: 133

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crump Daniel 42 Davis 122

Days Dolan Dougherty Elliott Enz

Evans Farnen Ford Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Gratz Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hegeman Hendrickson Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kennedy King

Kissell Klindt Koller Kreider Lawson

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger O'Connor Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Reid Reinhart Relford Reynolds

Richardson Rizzo Robirds Ross Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Troupe Tudor

Van Zandt Vogel Ward Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 011

Auer Davis 63 Fitzwater Foley Graham 24

Green Hickey Hohulin Kelly 27 Lakin

Wagner

PRESENT: 000

ABSENT WITH LEAVE: 017

Black Crawford Foster Hartzler 124 Kasten  
Kelley 47 Leake Nordwald O'Toole Ransdall  
Ridgeway Sallee Secrest Shields Thompson 37  
Treadway Wiggins

VACANCIES: 002

Representative Gibbons moved that **HR 366** be adopted.

Which motion was defeated by the following vote:

AYES: 044

Akin Alter Ballard Barnett Bartle  
Bennett Blunt Boatright Chrismer Cierpiot  
Crawford Dolan Elliott Enz Froelker  
Gaskill Gibbons Gross Hanaway Hendrickson  
Hohulin King Klindt Levin Linton  
Lograsso Loudon Luetkemeyer Marble Murphy  
Myers Naeger Nordwald Patek Pryor  
Reid Robirds Scott Selby Summers  
Surface Townley Troupe Wright

NOES: 110

Abel Auer Backer Barry 100 Berkowitz  
Berkstresser Black Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Clayton Cooper Crump Daniel 42  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Gambaro George Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hegeman Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Legan Long Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Rizzo Ross Sallee Scheve Schilling

Schwab Seigfreid Shelton Shields Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 001

Evans

ABSENT WITH LEAVE: 006

Bartelsmeyer Hartzler 124 Kasten Liese Ridgeway  
Secrest

VACANCIES: 002

Representative Smith assumed the Chair.

### THIRD READING OF HOUSE BILLS - CONSENT

**HB 268**, relating to emergency telephone service providers, was taken up by Representative Crawford.

On motion of Representative Crawford, **HB 268** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Ballard  
Barnett Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Cooper Crawford Daniel 42 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller



Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Barry 100 Crump Hartzler 124 Kasten  
Ridgeway Secrest Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

**HB 499**, relating to election authorities, was taken up by Representative Hartzler (123).

On motion of Representative Hartzler (123), **HB 499** was read the third time and passed by the following vote:

AYES: 116

Abel Akin Alter Auer Backer  
Ballard Barnett Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Bonner  
Boucher Boykins Britt Burton Carter  
Champion Chrismer Cierpiot Clayton Cooper

Crawford Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Ford Foster Franklin  
Froelker Gaskill George Gibbons Graham 106  
Gratz Griesheimer Gross Gunn Hampton  
Hanaway Harlan Hartzler 123 Hegeman Hendrickson  
Hoppe Howerton Kelley 47 Kennedy King  
Kissell Klindt Koller Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble McBride  
McClelland McLuckie Merideth Miller Monaco  
Murphy Myers Naeger Nordwald O'Toole  
Ostmann Overschmidt Parker Pouche Purgason  
Ransdall Reid Reinhart Relford Richardson  
Robirds Ross Sallee Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Stokan Summers Surface Thompson 72 Townley  
Tudor Vogel Wiggins Williams 159 Wright  
Mr. Speaker

NOES: 038

Barry 100 Boatright Bray 84 Campbell Crump  
Foley Fraser Gambaro Graham 24 Green  
Hagan-Harrell Hickey Hilgemann Holand Hollingsworth  
Hosmer Kelly 27 Kreider Lakin Lawson  
May 108 Mays 50 McKenna Murray O'Connor  
Patek Pryor Reynolds Rizzo Scheve  
Schilling Smith Treadway Van Zandt Wagner  
Ward Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 007

Hartzler 124 Hohulin Kasten Ridgeway Secrest  
Thompson 37 Troupe

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Murray moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**HB 789**, relating to audit of a political subdivision, was taken up by Representative Berkstresser.

On motion of Representative Berkstresser, **HB 789** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kelley 47

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Troupe Tudor Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 005

Boatright Hegeman Kelly 27 Lograsso Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 010

Berkowitz Bray 84 Hartzler 124 Hohulin Kasten  
Luetkemeyer Murphy Ridgeway Secrest Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**HB 426**, relating to child training centers, was taken up by Representative May (108).

On motion of Representative May (108), **HB 426** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan



Levin Liese Linton Lograsso Long  
Loudon Luetkenhaus Marble May 108 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 003

Mays 50 Seigfreid Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 008

Ford Hartzler 124 Kasten Luetkemeyer Myers  
Ridgeway Secrest Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Riback Wilson moved that motion lay on the table.

The latter motion prevailed.

**HB 550**, relating to records for long-term care facilities, was taken up by Representative Howerton.

On motion of Representative Howerton, **HB 550** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Wagner

PRESENT: 000

ABSENT WITH LEAVE: 006

Hartzler 124 Kasten Pryor Ridgeway Secrest

Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative George, title to the bill was agreed to.

Representative Fraser moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HB 548**, relating to sales tax on food, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HB 548** was read the third time and passed by the following vote:

AYES: 141

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hegeman Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Long Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Surface Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 013

Bartle Black Chrismer Enz Gross

Hanaway Hendrickson King Loudon Murphy

Patek Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Hartzler 124 Kasten Linton Ridgeway Secrest

Thompson 37 Wiggins

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Hilgemann moved that the vote by which the bill passed be reconsidered.

Representative Backer moved that motion lay on the table.

The latter motion prevailed.

**HB 846**, relating to state purchases of services, was taken up by Representative Carter.

On motion of Representative Carter, **HB 846** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hegeman Hendrickson



Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Boatright Hartzler 124 Kasten Ridgeway Secrest

Thompson 37 Wiggins

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

**HB 266**, relating to conditions of probation, was taken up by Representative Britt.

On motion of Representative Britt, **HB 266** was read the third time and passed by the following vote:

AYES: 141

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Clayton Cooper Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reinhart  
Relford Reynolds Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 013

Blunt Cierpiot Elliott Hohulin Howerton  
Kelly 27 Lograsso Nordwald Pryor Reid  
Scott Shields Summers

PRESENT: 000

ABSENT WITH LEAVE: 007

Hartzler 124 Kasten Lakin Ridgeway Secrest  
Thompson 37 Wiggins

VACANCIES: 002

Representative Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 127

Abel Alter Auer Backer Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gunn Hagan-Harrell Hampton

Harlan Hartzler 123 Hegeman Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Ransdall Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Seigfreid Selby Shelton Skaggs

Smith Stokan Surface Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 029

Akin Ballard Blunt Boatright Chrismer

Cierpiot Elliott Enz Froelker Gibbons

Gross Hanaway Hendrickson Kelly 27 Linton

Lograsso Long Luetkemeyer Nordwald Patek

Pouche Pryor Purgason Reid Reinhart

Scott Shields Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Hartzler 124 Kasten Ridgeway Secrest Thompson 37

VACANCIES: 002

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

**HB 847**, relating to ambulance districts, was taken up by Representative Relford.

On motion of Representative Relford, **HB 847** was read the third time and passed by the following vote:

AYES: 141

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kelley 47 Kelly 27

Kennedy King Klindt Koller Kreider

Lawson Leake Legan Levin Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reinhart Relford Richardson



Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 006

Blunt Hohulin Murphy Pryor Reid

Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Bray 84 Cooper Dolan Hanaway Hartzler 124

Kasten Kissell Lakin Liese O'Toole

Reynolds Ridgeway Secrest Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Hampton, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

**HB 745**, relating to sales taxation, was taken up by Representative Kreider.

On motion of Representative Kreider, **HB 745** was read the third time and passed by the following vote:

AYES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Clayton

Crawford Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kelley 47 Kelly 27 Kennedy King  
Klindt Koller Kreider Lawson Leake  
Legan Levin Liese Linton Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reinhart Relford Richardson Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 009

Blunt Cierpiot Elliott Hohulin Howerton  
Lograsso Murphy Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Cooper Fraser Hartzler 124 Kasten  
Kissell Lakin Long Reynolds Ridgeway  
Secrest Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Mays (50), title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

#### PERFECTION OF HOUSE BILL - INFORMAL

**HB 492**, relating to securities regulations, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HB 492**.

On motion of Representative Hosmer, **HS HB 492** was adopted.

On motion of Representative Hosmer, **HS HB 492** was ordered perfected and printed.

#### PERFECTION OF HOUSE BILLS

**HCS HBs 603, 722 & 783, as amended, with House Amendment No. 3, pending**, relating to solid waste management, was again taken up by Representative Wiggins.

On motion of Representative Bennett, **House Amendment No. 3** was adopted.

On motion of Representative Wiggins, **HCS HBs 603, 722 & 783, as amended**, was adopted.

On motion of Representative Wiggins, **HCS HBs 603, 722 & 783, as amended**, was ordered perfected and printed.

**HCS HB 822**, relating to banking, was taken up by Representative Liese.

Representative Liese offered **HS HCS HB 822**.

Representative Liese offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 822, Page 1, in the title, Line 7, by deleting the word "banking" and inserting in lieu thereof the following "**financial institutions**".

On motion of Representative Liese, **House Amendment No. 1** was adopted.

Representative Kissell offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 822, Page 41, Section 1, Line 3 by inserting after all of said section the following:

**"Section 2. As used in sections 2 and 3 of this act, the following terms shall mean:**

- (1) "Fee", the amount charged by a financial institution to an account holder of such institution when such account holder uses an automated teller machine operated by a different and separate automated teller machine owner to conduct transactions the subject of which is the account held by the financial institution charging such amount;**
- (2) "Surcharge", the amount charged by an automated teller machine owner to an account holder of a different and separate financial institution when such account holder uses an automated teller machine operated by an automated teller machine owner that does not hold the account which is the subject of the transactions conducted at such automated teller machine.**

**Section 3. 1. If a financial institution collects a surcharge, as defined in subdivision (2) of section 2 of this act, for the use of an automated teller machine operated by such financial institution, then the financial institution shall post notice of such surcharge conspicuously on the automated teller machine screen.**

**2. The notice required by subsection 1 of this section shall appear on the first screen following the personal identification number and shall provide an option not to continue the transaction.**

**3. The division of finance shall promulgate rules and regulations providing penalties for noncompliance with this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend the title and enacting clause accordingly.

Representative McLuckie offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 822, Page 41, Section 1, Line 3, by inserting after all of said section the following:

**"Section 2. As used in sections 2 and 3 of this act, the following terms shall mean:**

**(1) "Fee", the amount charged by a financial institution to an account holder of such institution when such account holder uses an automated teller machine operated by a different and separate automated teller machine owner to conduct transactions the subject of which is the account held by the financial institution charging such amount;**

**(2) "Surcharge", the amount charged by an automated teller machine owner to an account holder of a different and separate financial institution when such account holder uses an automated teller machine operated by an automated teller machine owner that does not hold the account which is the subject of the transactions conducted at such automated teller machine.**

**Section 3. 1. If a financial institution collects a surcharge, as defined in subdivision (2) of section 2 of this act, for the use of an automated teller machine operated by such financial institution, then the financial institution shall post notice of such surcharge conspicuously on the automated teller machine screen.**

**2. Any automated teller machine owner that collects a surcharge, as defined in subdivision (2) of section 2 for the use of its automated teller machines shall not collect or accept any portion of fees, as defined in subdivision (1) section 2, collected by the financial institution that holds the account that is the subject of such automated teller machine transaction.**

**3. The notice required by subsection 1 of this section shall appear on the first screen following the personal identification number and shall provide an option not to continue the transaction.**

**4. The division of finance shall promulgate rules and regulations providing penalties for noncompliance with this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend the title and enacting clause accordingly.

Representative Patek raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 2** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

**House Substitute Amendment No. 1 for House Amendment No. 2** was withdrawn.

Representative Kissell moved that **House Amendment No. 2** be adopted.

Which motion was defeated.



Representative Bray offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 822, Page 41, Section 1, Line 3 by inserting after all of said section the following:

**"Section 2. 1. No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or debit card.**

**2. No person shall willfully obtain personal identifying information of another person without the authorization of that person and use that information to obtain, or attempt to obtain, credit, goods, or services in the name of the other person without the consent of that person.**

**3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a class A misdemeanor.**

**4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a person."; and**

Further amend the title and enacting clause accordingly.

Representative Relford offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1*

for

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 822, Page 41, Section 1, Line 3 by inserting after all of said section the following:

**"Section 2. 1. No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or debit card.**

**2. No person shall willfully obtain personal identifying information of another person without the authorization of that person and use that information fraudulently to obtain, or attempt to obtain, credit, goods, or services in the name of the other person without the consent of that person.**

**3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a class A misdemeanor.**

**4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a person.**

**5. Notwithstanding subsections 1 to 4 of this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership, or other business entity shall be liable under this section, for accepting applications for credit cards or debit cards or for the credit cards or debit cards in any credit or debit transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit card or debit card."; and**

Further amend the title and enacting clause accordingly.

On motion of Representative Relford, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

On motion of Representative Liese, **HS HCS HB 822, as amended**, was adopted.

On motion of Representative Liese, **HS HCS HB 822, as amended**, was ordered perfected and printed.

Speaker Gaw resumed the Chair.

**HCS HBs 718, 225, 876 & 838** was placed on the Informal Calendar.

**HB 115**, relating to income tax credit for ADA improvements, was taken up by Representative Kreider.

Representative Boucher offered **House Amendment No. 1**.

Representative Kreider raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Boucher offered **House Amendment No. 1**.

Representative Kreider raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Kreider, **HB 115** was ordered perfected and printed.

**HCS HB 256**, relating to construction contracts, was taken up by Representative George.

Representative George offered **HS HCS HB 256**.

Representative Hollingsworth offered **House Amendment No. 1**.

Representative Shields raised a point of order that **House Amendment No. 1** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative George, **HS HCS HB 256** was adopted.

On motion of Representative George, **HS HCS HB 256** was ordered perfected and printed.

**HCS HBs 736, 515 & 508**, relating to public school retirement systems, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **HCS HBs 736, 515 & 508** was adopted.

On motion of Representative Hagan-Harrell, **HCS HBs 736, 515 & 508** was ordered perfected and printed.

**HCS HB 911**, relating to county employees' retirement fund, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCS HB 911** was adopted.

On motion of Representative Clayton, **HCS HB 911** was ordered perfected and printed.

#### **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 452**, relating to driver's licenses, was taken up by Representative Boatright.

On motion of Representative Boatright, **HB 452** was read the third time and passed by the following vote:

AYES: 140

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Cooper Crawford Crump Daniel 42 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Gratz  
Green Griesheimer Gross Gunn Hampton  
Hanaway Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lawson Leake Legan Levin Liese  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reinhart Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wright Mr. Speaker

NOES: 002

Lograsso Reid

PRESENT: 000

ABSENT WITH LEAVE: 019

Akin Berkowitz Blunt Foley Graham 24  
Hagan-Harrell Hartzler 124 Hohulin Kasten Lakin  
Linton Long Relford Reynolds Ridgeway  
Secrest Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

**HB 775**, relating to special assessments, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 775** was read the third time and passed by the following vote:

AYES: 139

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Cierpiot Clayton Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Gratz Green Griesheimer

Gross Gunn Hampton Hanaway Harlan

Hartzler 123 Hegeman Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lawson Leake

Legan Levin Liese Lograsso Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Stokan Summers

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wright Mr. Speaker



NOES: 003

Hendrickson Murphy Smith

PRESENT: 000

ABSENT WITH LEAVE: 019

Akin Berkowitz Blunt Chrismer Cooper

Ford Graham 24 Hagan-Harrell Hartzler 124 Kasten

Lakin Linton Long Reynolds Ridgeway

Secrest Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**HB 542**, relating to maternity homes, was taken up by Representative Barry.

On motion of Representative Barry, **HB 542** was read the third time and passed by the following vote:

AYES: 142

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kennedy King

Kissell Klindt Koller Kreider Lawson

Leake Legan Levin Liese Lograsso

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Akin Berkowitz Blunt Daniel 42 Ford

Graham 24 Green Hartzler 124 Kasten Kelly 27

Lakin Linton Long Reynolds Ridgeway

Secrest Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Lawson, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HB 122**, relating to income tax, was taken up by Representative Gaskill.

On motion of Representative Gaskill, **HB 122** was read the third time and passed by the following vote:

AYES: 141

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Cooper Crawford Crump Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Gratz Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lawson  
Leake Legan Levin Liese Lograsso  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Richardson Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wright  
Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 019

Akin Berkowitz Blunt Daniel 42 Ford  
Graham 24 Green Harlan Hartzler 124 Kasten  
Lakin Linton Long Reynolds Ridgeway  
Secrest Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

**HB 58**, relating to petroleum storage tanks, was taken up by Representative Treadway.

On motion of Representative Treadway, **HB 58** was read the third time and passed by the following vote:

AYES: 140

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Gratz Green Griesheimer

Gross Gunn Hampton Hanaway Harlan

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lawson

Leake Legan Levin Liese Lograsso

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wright Mr. Speaker



NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 020

Akin Berkowitz Blunt Carter Daniel 42

Ford Graham 24 Hagan-Harrell Hartzler 124 Kasten

Lakin Linton Long Ostmann Reynolds

Ridgeway Secrest Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

**HB 903**, relating to group health insurance, was taken up by Representative Auer.

Representative Auer offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND House Bill No. 903, Page 1, Section 376.431, Line 3 by deleting the word "**or**" after the word "**maintenance**".

On motion of Representative Auer, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Auer, **HB 903, as amended**, was read the third time and passed by the following vote:

AYES: 139

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Gratz Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lawson Leake  
Legan Liese Lograsso Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Richardson  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 022

Akin Berkowitz Blunt Boykins Daniel 42  
Ford Graham 24 Green Harlan Hartzler 124  
Kasten Lakin Levin Linton Long  
Reynolds Ridgeway Secrest Surface Thompson 37  
Vogel Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Kelly (27), title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Wiggins moved that motion lay on the table.

The latter motion prevailed.

**HB 926**, relating to life insurance, was taken up by Representative Liese.

On motion of Representative Liese, **HB 926** was read the third time and passed by the following vote:

AYES: 137

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kennedy King Kissell

Koller Kreider Lawson Leake Legan

Liese Lograsso Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Wagner Ward Wiggins Williams 121 Williams 159

Wright Mr. Speaker

NOES: 003

Campbell Kelly 27 Murphy

PRESENT: 000

ABSENT WITH LEAVE: 021

Akin Berkowitz Blunt Daniel 42 Graham 24

Green Harlan Hartzler 124 Kasten Klindt

Lakin Levin Linton Long Reynolds

Ridgeway Secrest Surface Thompson 37 Vogel

Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HB 748**, relating to compensation of officials in St. Louis, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HB 748** was read the third time and passed by the following vote:

AYES: 142

Abel Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkstresser

Black Blunt Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Gratz

Green Griesheimer Gross Gunn Hampton

Hanaway Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Liese Lograsso

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Richardson Rizzo Robirds Ross



Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wright Mr. Speaker

NOES: 001

Boatright

PRESENT: 000

ABSENT WITH LEAVE: 018

Akin Backer Berkowitz Graham 24 Hagan-Harrell  
Harlan Hartzler 124 Kasten Lakin Levin  
Linton Long Reynolds Ridgeway Secrest  
Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Davis (122) moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**HB 415**, relating to selective service registration, was taken up by Representative Vogel.

On motion of Representative Vogel, **HB 415** was read the third time and passed by the following vote:

AYES: 143

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Leake Legan Liese  
Lograsso Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Richardson Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Akin Berkowitz Franklin Graham 24 Green  
Harlan Hartzler 124 Kasten Lakin Levin  
Linton Long Reynolds Ridgeway Secrest  
Surface Thompson 37 Wilson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

#### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 502** - Children, Youth and Families

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 31** - Critical Issues

**HCR 32** - Utilities Regulation

#### **REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 38** - Transportation

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 401** - Fiscal Review (Fiscal Note)

**HS HB 753** - Fiscal Review (Fiscal Note)

**HS HCS HB 852** - Fiscal Review (Fiscal Note)

**HB 1046** - Governmental Organization and Review

**HB 1047** - Ways and Means

**HB 1048** - Local Government and Related Matters

**HB 1049** - Professional Registration and Licensing

**HB 1050** - Miscellaneous Bills and Resolutions

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 205** - Local Government and Related Matters

**SB 348** - Urban Affairs

#### **COMMITTEE REPORTS**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 763**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred addition to **GREATER KANSAS CITY CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

March 24, 1999

The Honorable Robert Clayton, Chairman

House Committee on Ethics

House Post Office

State Capitol

Jefferson City, MO 65101

Dear Mr. Chairman:

/s/ Representative Glenda Kelly would like to be added as a member of the Greater Kansas City Caucus.

Thanks for your attention in this request.

Sincerely,

/s/ Bill Skaggs

Mr. Speaker: Your Committee on Ethics, to which was referred addition to **GREATER KANSAS CITY DEMOCRATIC CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

March 24, 1999

The Honorable Robert Clayton, Chairman

House Committee on Ethics

House Post Office

State Capitol

Jefferson City, MO 65101

Dear Mr. Chairman:

/s/ Representative Glenda Kelly would like to be added as a member of the Greater Kansas City Democratic Caucus.

Thanks for your attention in this request.

Sincerely,

/s/ Bill Skaggs

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 49**, begs leave to report it has examined the same and recommends that it **Do Pass.**



House Resolution No. 49

WHEREAS, the General Assembly has a long tradition of rendering assistance to those programs aimed at developing outstanding qualities of both citizenship and leadership; and

WHEREAS, the Missouri Jaycees organization has sought to give its members a unique opportunity to develop valuable leadership skills while familiarizing themselves with the democratic process through its excellent mock legislature program; and

WHEREAS, the Missouri Jaycees is planning to conduct its Thirty-second Mock Legislature at our State Capitol during November 6 and 7, 1999; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, hereby grant the Missouri Jaycees permission to use the House Chamber for the purpose of conducting its Thirty-second Annual Mock Legislature during the dates of November 6 and 7, 1999.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 66**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 66

WHEREAS, one hundred fifty years have now passed since the greatest tragedy in Irish history occurred: The Great Irish Famine, also known as An Gorta Mor, the Great Starvation, the Great Hunger, the Irish Potato Blight, the Potato Famine, and the Great Irish Hunger; and

WHEREAS, this catastrophic five-year period between 1845 and 1850 in which millions of Irish people perished or emigrated was due to mass starvation precipitated by a recurring potato crop failure and worsened by acts of the British government which ignored the plight of the people; and

WHEREAS, the thousands upon thousands of bodies which required burial in a short period of time necessitated creation of the "sliding coffin", a hinged coffin which was used to transport the deceased to the graveyard where it would be placed over a huge pit, its bottom would drop, and the victim would fall into the common grave below; and

WHEREAS, Ireland lost nearly one half of its population during this dreadful famine, a catastrophe of astronomic proportions which needs to be examined and discussed in the public schools of Missouri in an effort to reaffirm the commitment of free people of all nations to eradicate the causes of famine that exist in the modern world and to engender an appreciation for Irish Americans; and

WHEREAS, many of the Irish immigrated to the Show-Me State where they distinguished themselves by their great contributions to the formation of Missouri, a long list of remarkable individuals which includes Joseph Charles who in 1808 founded the first newspaper west of the Mississippi River, the *Missouri Gazette*; and

WHEREAS, it would be in the best interests of Missouri's public school students for the State Board of Education to prepare and make available to all school boards instructional materials that can be used as guidelines for the development of a unit of instruction on the Irish Famine:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in expressing our support of the inclusion of a unit of instruction studying the causes and effects of mass starvation in mid-nineteenth century Ireland in every public elementary school and high school curriculum in Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Elementary and Secondary Education.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 193**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 193

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the House Chamber for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the House Chambers at our State Capitol, where the students in attendance will be addressed by a representative of each of the three branches of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the House Chamber for the purpose of conducting its Student Government Day on April 5, 1999, from 10:00 a.m. until 11:30 a.m.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 200**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### House Resolution No. 200

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the processes of democratic government through a format of direct role playing experience; and

WHEREAS, during June 20-26, 1999, the American Legion Auxiliary, Department of Missouri, will conduct the 58th annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event will be conducting a mock legislative session in the House Chamber at our State Capitol, where participants gather each year to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, hereby grant the adult leaders and participants of the 58th Session of Missouri Girls State permission to use the House Chamber for the purpose of swearing in mock legislative officials on the afternoon of June 22, 1999, from 1:15 p.m. to 3:15 p.m.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCR 11**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### Senate Concurrent Resolution No. 11

WHEREAS, Missouri is and will continue to be a leading agricultural state; and

WHEREAS, the economic success of this state depends to a large degree on the success of agriculture and related industries; and

WHEREAS, falling prices for commodities and livestock have placed Missouri farms and businesses supporting Missouri farms in severe economic distress; and

WHEREAS, there exists a variety of farm-related businesses providing goods and services to Missourians engaged in agriculture that are also facing economic distress resulting from the distress of their primary market; and

WHEREAS, federal policies and laws affecting agriculture have an immediate and direct impact on Missouri's farmers and agricultural industries;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the Missouri House of Representatives concurring therein, respectfully request the federal government to take all necessary and appropriate action to support those businesses existing to provide the goods and services necessary to farm operations; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this resolution to the Missouri delegation in the United States House of Representatives and the United States Senate, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Commerce and the President of the United States.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1051**, introduced by Representatives Seigfreid, Klindt, Fitzwater, Relford, Berkowitz, Kreider and Summers, et al, relating to the state highways and transportation commission.

**HB 1052**, introduced by Representatives Wiggins, Kreider, Backer, Gaw, Leake, Clayton, Ransdall, Relford, Williams (159), Berkowitz, Summers and Hegeman, et al, relating to regulation of certain livestock packer transactions.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 14, 60 & 69**, entitled:

An act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 37**, entitled:

An act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459, 67.461, 67.1421, 67.1461, 67.1501 and 67.1531, RSMo Supp. 1998, relating to neighborhood improvement districts, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 338**, entitled:

An act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

In which the concurrence of the House is respectfully requested.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 8:30 a.m., Thursday, April 1, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-fourth Day, Tuesday, March 30, 1999, pages 939 and 940, roll call, by showing Representatives Foster, Griesheimer, Levin and Patek voting "aye" rather than "absent with leave".

Page 946, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".

Page 948, roll call, by showing Representatives Bennett, Howerton and Surface voting "aye" rather than "absent with leave".

Pages 950 and 951, roll call, by showing Representatives Berkstresser, Dolan and Hoppe voting "no" rather than "absent with leave".

Pages 950 and 951, roll call, by showing Representative O'Connor voting "no" rather than "aye".

Pages 958 and 959, roll call, by showing Representative Dolan voting "no" rather than "absent with leave".

Page 960, roll call, by showing Representative Dolan voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BUDGET**

Thursday, April 1, 1999, 8:00 am. Hearing Room 6. CANCELLED.

To be considered - HB 17, HB 18

### **BUDGET**

Thursday, April 1, 1999. Hearing Room 6 upon morning adjournment if needed. CANCELLED.

To be considered - HB 17, HB 18

### **BUDGET**

Tuesday, April 6, 1999, 1:00 pm. Hearing Room 6. Executive session may follow.

To be considered - HB 13

### **BUDGET**

Wednesday, April 7, 1999, 8:30 am. Hearing Room 6. Executive session on previously heard bills.

### **BUDGET**

Wednesday, April 7, 1999. Hearing Room 8 upon morning adjournment.

Executive session on previously heard bills.

### **BUDGET**

Thursday, April 8, 1999, 8:30 am. Hearing Room 6.

Executive session on previously heard bills if needed.

### **BUDGET**



Thursday, April 8, 1999. Hearing Room 6 upon morning adjournment.

Executive session on previously heard bills if needed.

#### CONSUMER PROTECTION AND HOUSING

Tuesday, April 6, 1999, 8:00 pm. Hearing Room 7. Executive session to follow.

To be considered - SB 20

#### JOINT COMMITTEE ON CORRECTIONAL INSTITUTIONS AND PROBLEMS

Tuesday, April 6, 1999, 1:30 pm. Hearing Rooms 1 and 2. Agenda population issues.

#### JOINT COMMITTEE ON WETLANDS

Thursday, April 1, 1999, 8:30 am. Hearing Room 7. Update and informational meeting. Representatives U.S. Army Corps of Engineers in attendance.

CANCELLED.

#### JUDICIARY

Tuesday, April 6, 1999, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 110, SB 142, SB 295

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 6, 1999, 2:00 pm. Hearing Room 7.

To be considered - SB 498, Executive Session - HB 447, Executive Session - HB 691,  
Executive Session - SB 115, Executive Session - SB 149

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 6, 1999, 2:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 953, HB 1007

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 6, 1999, 2:15 pm. Hearing Rooms 3 and 4.

To be considered - SB 396, Executive Session - HB 953

#### URBAN AFFAIRS

Tuesday, April 6, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

AMENDED NOTICE.

To be considered - SB 196, SB 197, SB 348

#### WAYS AND MEANS

Tuesday, April 6, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 941, HB 984, SB 192, SB 282, SB 287

#### HOUSE CALENDAR

FORTY-SIXTH DAY, THURSDAY, APRIL 1, 1999

**HOUSE BILLS FOR SECOND READING**

HB 1051 and HB 1052

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 26 - Crump

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 441 - Riback Wilson

2 HB 700 - Mays (50)

3 HCS HB 460 - O'Toole

4 HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579 - Hosmer

5 HCS HB 814 - Smith

6 HCS HB 430 & 648 - McLuckie

7 HB 277 - Carter

8 HB 971 - Shelton

9 HCS HB 180 - Hoppe

10 HCS HB 192 & 945 - Davis (122)

11 HCS HB 723 - Koller

12 HCS HB 780 - Van Zandt

13 HCS HB 673 - Kissell

14 HCS HB 643, 710 & 711 - Bray

15 HB 952 - Koller

16 HCS HB 599 - Auer

17 HB 133 - Crump

18 HCS HB 769 - Bray

19 HB 120 - Kreider

20 HCS HB 934 - Treadway

21 HCS HB 456 - Fitzwater

22 HB 856 - Ford

23 HCS HB 640 - Campbell

24 HCS HB 354 - Barry

25 HCS HB 709 - Leake

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 166 - McLuckie

3 HCS HB 826, HS, as amended, pending - Harlan

4 HCS HB 718, 225, 876 & 838 - Harlan

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 25, 1999)

1 HB 965 - Riback Wilson

2 HB 812 - Berkowitz

3 HB 987 - Backer

4 HB 808 - Naeger

(March 29, 1999)

5 HB 979 - Auer

6 HB 230 - Days

7 HB 988 - Backer

8 HB 929 - Griesheimer

(March 30, 1999)

9 HB 199 - Ridgeway

10 HB 857 - Monaco

(March 31, 1999)

11 HB 1045 - Kennedy

12 HB 472 - Nordwald

(April 1, 1999)

13 HB 763 - O'Toole

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen

4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 818, (Fiscal Review 3-30-99) - Days
- 2 HS HB 753, (Fiscal Review 3-31-99) - Rizzo
- 3 HCS HB 389 - Hoppe
- 4 HS HCS HB 852, (Fiscal Review 3-31-99) - Hosmer
- 5 HCS HB 850 & 851 - Hosmer
- 6 HB 401, (Fiscal Review 3-31-99) - Barry

#### **SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 14, 60 & 69
- 2 SCS SB 37
- 3 SS SCS SB 338

#### **SENATE BILLS FOR THIRD READING - CONSENT**

(March 25, 1999)

- 1 SB 169, HCA 1 - Boucher
- 2 SB 188 - Smith

(March 30, 1999)

- 3 SB 184 - Scheve
- 4 HCS SCS SB 275, E.C. - Hosmer
- 5 SB 237 - Hosmer

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTIONS**

- 1 HR 313, (3-30-99, pg. 965) - Williams (121)
- 2 HR 193 - Vogel

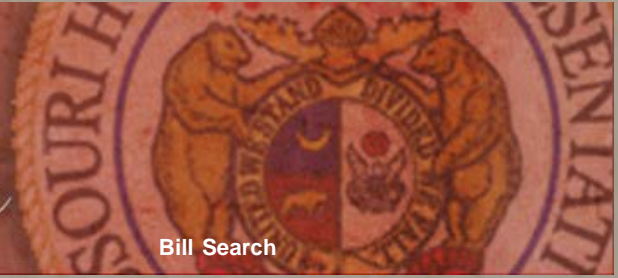


Missouri House of Representatives



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FORTY-SIXTH DAY, Thursday, April 1, 1999

Speaker Gaw in the Chair.

Prayer by Representative Jim Kreider.

Let us pray.

Dear Lord, today we ask for Your blessings as we will today say good bye to our good friend and colleague, Fletcher Daniels. We ask for Your mercy on the soul of this great Missourian. We ask that You be with his family and friends as we mourn his loss. We thank You for his life. We ask that You walk beside us always and keep us safe as we all travel today. We pray in a special way that You walk beside and comfort Representative Ford, who has lost a very special friend in Your servant, Fletcher Daniels. Almighty and Merciful God, we pray for these things in Your name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Adam Foster, Emily Parrish, Lily Louie, Ada King, Ryan Max, Harold Brinkman, Amanda Rellergert, Anna Lampe, Victoria Schwartz, Christopher Queen, Brian Lorencz, Christel Schlager and Shelby Horn.

The Journal of the forty-fifth day was approved as corrected by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Black Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kelley 47 Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 006

Blunt Boatright Hohulin King Patek

Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Bartle Dolan Hanaway Hartzler 124 Kasten

Lograsso McLuckie Reynolds Ridgeway Secrest

Thompson 37 Thompson 72 Wiggins

VACANCIES: 002

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 576 - Representative Williams (121)

House Resolution No. 577 and House Resolution No. 578 - Representative Robirds

House Resolution No. 579 - Representative Gaw

House Resolution No. 580 - Representative Kreider

House Resolution No. 581 - Representative Chrismer

House Resolution No. 582 through House Resolution No. 584 - Representative Hanaway

House Resolution No. 585 - Representative May (108)

## SECOND READING OF HOUSE BILLS

**HB 1051** and **HB 1052** were read the second time.

## SECOND READING OF SENATE BILLS

**SS SCS SBs 14, 60 & 69, SCS SB 37** and **SS SCS SB 338** were read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 115, HS HCS HB 256, HS HB 454, HS HB 492, HCS HBs 603, 722 & 783, HS HCS HB 701, HCS HBs 736, 515 & 508, HS HCS HB 793, HS HCS HB 822** and **HCS HB 911**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## HOUSE RESOLUTIONS

**HR 313**, relating to use of House chamber, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HR 313** was adopted.

**HR 193**, relating to use of House chamber, was taken up by Representative Vogel.

On motion of Representative Vogel, **HR 193** was adopted.

Speaker Pro Tem Kreider assumed the Chair.

## HOUSE COURTESY RESOLUTION

**HR 560**, in memory of the Honorable Fletcher Daniels, was taken up by Speaker Gaw, joined by the entire House membership, and read.

**Whereas**, the members of the Missouri House of Representatives were truly saddened by the death of their esteemed colleague, the Honorable Fletcher Daniels, on Friday, March 26, 1999; and

**Whereas**, Representative Fletcher Daniels faithfully served the constituents of the Forty-first Legislative District which encompasses part of Jackson County and the Kansas City metropolitan area; and

**Whereas**, elected to this legislative body in a 1984 special election, Democrat Fletcher Daniels was returned to office every two years since that time where he honorably served as a member of the Criminal Law committee, leader of the Black Caucus, and as the first black legislator to hold the office of Speaker Pro Tem; and

**Whereas**, dedicated to his community, Representative Daniels served with distinction as Dean of the Kansas City School Board, Vice President of the Kansas City NAACP, advisory board member of the Kansas City Chapter of the Urban League, and as Executive Director of the Kansas Metropolitan Senior Citizens Center; and

**Whereas**, 1946 proved to be a magical year for Fletcher Daniels, for that is when he married his beloved Sybil R. Daniels and embarked upon a career with the U.S. Postal Service which would last until his retirement thirty years later and would see him rise to positions of leadership as President of Local 906 of the National Alliance of Postal and Federal Employees and as Ninth Region President; and

**Whereas**, a strong proponent of the Civil Rights movement, Fletcher Daniels participated in the March on Washington in 1963, played a leading role on the Community Committee for Social Action which was influential in winning public accommodation in Kansas City, helped to establish a postal workers union, and often picketed post offices by himself; and

**Whereas**, known for his compassionate advocacy for the poor and for universal, high-quality education, Representative Fletcher Daniels is survived by his wife and a host of friends and colleagues:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to extend our most heartfelt condolences to Sybil Daniels at the loss of her beloved Fletcher and to the many individuals whose lives he touched through his diverse, community-oriented work down through the years; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution in honor of the late Representative Fletcher Daniels.

On motion of Speaker Gaw, Rule 63 was suspended and **HR 560** was adopted by the following vote:

AYES: 144

Abel Akin Alter Auer Backer

Ballard Barnett Bartelsmeyer Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna



Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Rizzo Robirds Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Barry 100 Bartle Dolan Hanaway Hartzler 124  
Kasten Lograsso McLuckie Parker Reynolds  
Richardson Ridgeway Ross Secrest Thompson 37  
Thompson 72 Wiggins

VACANCIES: 002

Speaker Gaw resumed the Chair.

#### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HS HCS HB 793** - Fiscal Review (Fiscal Note)

#### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SB 270** - Public Safety and Law Enforcement

**SCS SBs 322, 150 & 151** - Children, Youth and Families

**SS SCS SB 338** - Critical Issues

#### COMMITTEE REPORTS

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 965, HB 812, HB 987** and **HB 808**, begs leave to report it has examined the same and finds them to be truly perfected and

that the printed copies thereof furnished the members are correct.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 112**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 189**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 213**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HCR 19**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute

for

House Concurrent Resolution No. 19

Relating to the "Share the Harvest" program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, through the "Share the Harvest" program, hunters donate approximately thirty thousand pounds of venison annually to those in need; and

WHEREAS, through the generosity of these hunters, seventy-seven approved charitable organizations, spread throughout the state of Missouri, have received venison to distribute to needy families and individuals; and

WHEREAS, deer is a valuable source of protein but is unusually low in fat and many families and individuals have no dependable source of protein in their diets; and

WHEREAS, the program is a safe and healthy way for these individuals to get protein in their diet, because all participating deer processors must be licensed by the Department of Conservation and inspected by the United States Department of Agriculture; and

WHEREAS, the hunter normally pays the processing fee and more hunters would donate more venison to more needy families, if there were other sources of funds to pay the processing cost:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call for the Missouri Department of Conservation and the Department of Social Services to develop a partnership with the private sector to provide funds to pay for the processing costs for those hunters who donate their venison to charity through the "Share the Harvest" program; and

BE IT FURTHER RESOLVED that the Department of Conservation actively promote the Share the Harvest Program in coordination with the Conservation Federation of Missouri and other organizations to provide additional awareness of the

opportunities to donate processed venison to charitable organizations and the availability of funding of processing costs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the directors of the Missouri Department of Conservation and the Department of Social Services.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 10**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 10, Page 1, Section 277.303, Line 1, by striking the following: "within a county of the first"; and

Further amend line 2, by striking all of said line.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 17**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 17, Page 1, In the Title, Lines 2 to 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 304.170, RSMo 1994, and section 304.157, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Section 304.170, RSMo 1994, and section 304.157, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 304.157 and 304.170, to read as follows:

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee **or property or security manager** in lawful possession of the real property may authorize a towing company to remove abandoned property **or property parked in a restricted or assigned area** without authorization by a law enforcement officer only when the owner, lessee or [agent] **property or security manager** of the real property is present [and]. **A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made** only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property **or property improperly parked in a restricted or assigned area** will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; **or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or**

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:



- (1) The year, model, make and abandoned property identification number of the property **and the owner and any lienholders, if known**;
- (2) A description of any damage to the **abandoned** property noted by owner [or lessee], **lessee or property or security manager** in possession of the real property;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The physical location of the property and the reason for requesting the property to be towed;
- (5) The date the report is completed;
- (6) The signature and printed name, **address and phone number** of the owner [or lessee], **lessee or property or security manager** in possession of the real property; [and]
- (7) The towing company's name and address;**
- (8) The signature of the towing operator;**
- [(7)] **(9) The name of the law enforcement agency notified of the abandoned property.**

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor."; and

Further amend said bill, Page 1, Section 304.170, Line 9, by inserting at the end of said line the following: **"Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached."**; and

Further amend said bill, Page 3, Section 304.170, Line 58, by inserting after the phrase "stinger-steered combinations" the following: **"shall include a semitrailer length not to exceed fifty-three feet and"**.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 268**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 1053**, introduced by Representative Hendrickson, relating to mileage allowance.

**HB 1054**, introduced by Representative O'Connor, relating to motor vehicle franchise practices.

#### ADJOURNMENT



On motion of Representative Crump, the House adjourned until 3:00 p.m., Tuesday, April 6, 1999.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-fifth Day, Wednesday, March 31, 1999, page 977, roll call, by showing Representatives Hollingsworth and Hosmer voting "no" rather than "absent with leave".

Pages 978 and 979, roll call, by showing Representative Abel voting "aye" rather than "no".

Pages 978 and 979, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 978 and 979, roll call, by showing Representative Hollingsworth voting "no" rather than "absent with leave".

Pages 979 and 980, roll call, by showing Representatives Hosmer and Kreider voting "no" rather than "absent with leave".

Pages 979 and 980, roll call, by showing Representative Luetkemeyer voting "aye" rather than "absent with leave".

Pages 983 and 984, roll call, by showing Representatives Boatright, Franklin, Hoppe, Kreider and Ross voting "aye" rather than "absent with leave".

Page 985, roll call, by showing Representative Barnett voting "aye" rather than "no".

Page 985, roll call, by showing Representatives Boatright, Boykins, Hoppe, Kreider and Loudon voting "aye" rather than "absent with leave".

Pages 987 and 988, roll call, by showing Representatives Black, Crawford, Foster, O'Toole, Ransdall and Shields voting "aye" rather than "absent with leave".

Pages 988 and 989, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 989 and 990, roll call, by showing Representatives Barry and Crump voting "aye" rather than "absent with leave".

Pages 991 and 992, roll call, by showing Representative Luetkemeyer voting "aye" rather than "absent with leave".

Pages 992 and 993, roll call, by showing Representatives Luetkemeyer and Myers voting "aye" rather than "absent with leave".

Pages 995 and 996, roll call, by showing Representative Boatright voting "aye" rather than "absent with leave".

Page 998, roll call, by showing Representative Kissell voting "aye" rather than "absent with leave".

Page 998, roll call, by showing Representative Liese voting "no" rather than "absent with leave".

Page 999, roll call, by showing Representatives Fraser, Kissell and Long voting "aye" rather than "absent with leave".

Pages 1004 and 1005, roll call, by showing Representatives Akin, Blunt, Long and Surface voting "aye" rather than "absent with leave".

Pages 1005 and 1006, roll call, by showing Representatives Akin, Chrismer, Long and Surface voting "aye" rather than "absent with leave".

Pages 1006 and 1007, roll call, by showing Representatives Akin, Blunt, Kelly (27), Long and Surface voting "aye" rather than "absent with leave".

Pages 1007 and 1008, roll call, by showing Representatives Akin, Blunt, Long and Surface voting "aye" rather than "absent with leave".

Page 1009, roll call, by showing Representatives Akin, Blunt, Carter, Long and Surface voting "aye" rather than "absent with leave".

Page 1010, roll call, by showing Representatives Akin, Blunt, Boykins, Levin, Long and Surface voting "aye" rather than "absent with leave".

Page 1011, roll call, by showing Representatives Akin, Blunt, Klindt, Levin, Long and Surface voting "aye" rather than "absent with leave".

Pages 1012 and 1013, roll call, by showing Representative Boatright voting "aye" rather than "no".

Pages 1012 and 1013, roll call, by showing Representatives Akin, Long and Surface voting "aye" rather than "absent with leave".

Pages 1013 and 1014, roll call, by showing Representatives Akin, Franklin, Levin, Long and Surface voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BUDGET**

Tuesday, April 6, 1999, 1:00 pm. Hearing Room 6. Executive session may follow.

To be considered - HB 13

### **BUDGET**

Wednesday, April 7, 1999, 8:30 am. Hearing Room 6. Executive session on previously heard bills.

### **BUDGET**

Wednesday, April 7, 1999. Hearing Room 8 upon morning adjournment.

Executive session on previously heard bills.

### **BUDGET**

Thursday, April 8, 1999, 8:30 am. Hearing Room 6. Executive session on previously heard bills if needed.

### **BUDGET**

Thursday, April 8, 1999. Hearing Room 6 upon morning adjournment.

Executive session on previously heard bills if needed.

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 7, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 176, SB 438

#### CONSUMER PROTECTION AND HOUSING

Tuesday, April 6, 1999, 8:00 pm. Hearing Room 7. Executive session to follow.

To be considered - SB 20

#### EDUCATION - HIGHER

Wednesday, April 7, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 993, SB 33, SB 148, SB 443, Executive Session - SB 218

#### FISCAL REVIEW

Tuesday, April 6, 1999, 2:00 pm. Hearing Room 8. Executive session.

To be considered - HB 401, HB 793, HB 818, HB 852, SB 403, SJR 25

#### INSURANCE

Wednesday, April 7, 1999, 9:45 am. Side gallery.

To be considered - Executive Session - SB 28

#### JOINT COMMITTEE ON CORRECTIONAL INSTITUTIONS AND PROBLEMS

Tuesday, April 6, 1999, 1:30 pm. Hearing Rooms 1 and 2. Agenda population issues.

#### JUDICIARY

Tuesday, April 6, 1999, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 110, SB 142, SB 295

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 6, 1999, 2:00 pm. Hearing Room 7. AMENDED NOTICE.

To be considered - SB 498, Executive Session - HB 447, Executive Session - HB 691,  
Executive Session - SB 115, Executive Session - SB 149, Executive Session - SB 498

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 6, 1999, 2:00 pm. Hearing Rooms 3 and 4.

To be considered - HB 953, HB 1007

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 6, 1999, 2:15 pm. Hearing Rooms 3 and 4.

To be considered - SB 396, Executive Session - HB 953

#### RETIREMENT

Tuesday, April 6, 1999. Side gallery upon evening adjournment. Executive session.

## URBAN AFFAIRS

Tuesday, April 6, 1999, 8:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

### AMENDED NOTICE.

To be considered - SB 196, SB 197, SB 348

## WAYS AND MEANS

Tuesday, April 6, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 941, HB 984, SB 192, SB 282, SB 287

## HOUSE CALENDAR

FORTY-SEVENTH DAY, TUESDAY, APRIL 6, 1999

### HOUSE BILLS FOR SECOND READING

HB 1053 and HB 1054

### HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 26 - Crump

### HOUSE BILLS FOR PERFECTION

1 HCS HB 441 - Riback Wilson

2 HB 700 - Mays (50)

3 HCS HB 460 - O'Toole

4 HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579 - Hosmer

5 HCS HB 814 - Smith

6 HCS HB 430 & 648 - McLuckie

7 HB 277 - Carter

8 HB 971 - Shelton

9 HCS HB 180 - Hoppe

10 HCS HB 192 & 945 - Davis (122)

11 HCS HB 723 - Koller

12 HCS HB 780 - Van Zandt

13 HCS HB 673 - Kissell

14 HCS HB 643, 710 & 711 - Bray

15 HB 952 - Koller

16 HCS HB 599 - Auer

17 HB 133 - Crump

18 HCS HB 769 - Bray

19 HB 120 - Kreider

20 HCS HB 934 - Treadway

21 HCS HB 456 - Fitzwater

22 HB 856 - Ford



23 HCS HB 640 - Campbell

24 HCS HB 354 - Barry

25 HCS HB 709 - Leake

26 HB 844 - Gratz

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

3 HCS HB 718, 225, 876 & 838 - Harlan

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 29, 1999)

1 HB 979 - Auer

2 HB 230 - Days

3 HB 988 - Backer

4 HB 929 - Griesheimer

(March 30, 1999)

5 HB 199 - Ridgeway

6 HB 857 - Monaco

(March 31, 1999)

7 HB 1045 - Kennedy

8 HB 472 - Nordwald

(April 1, 1999)

9 HB 763 - O'Toole

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen

4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

#### **HOUSE BILLS FOR THIRD READING**

1 HCS HB 818, (Fiscal Review 3-30-99) - Days

2 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

3 HCS HB 389 - Hoppe

4 HS HCS HB 852, (Fiscal Review 3-31-99) - Hosmer

5 HCS HB 850 & 851 - Hosmer

6 HB 401, (Fiscal Review 3-31-99) - Barry

7 HS HCS HB 793, (Fiscal Review 4-1-99) - Treadway

8 HS HCS HB 701 - Rizzo

9 HS HB 492 - Hosmer

10 HCS HB 603, 722 & 783 - Wiggins

11 HS HCS HB 822 - Liese

12 HB 115 - Kreider

13 HS HCS HB 256 - George

14 HCS HB 736, 515 & 508, E.C. - Hagan-Harrell

15 HCS HB 911 - Clayton

#### **HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HS HB 454 - Carter

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 965 - Riback Wilson

2 HB 812 - Berkowitz

3 HB 987 - Backer

4 HB 808 - Naeger

#### **SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 169, HCA 1 - Boucher

2 SB 188 - Smith

(March 30, 1999)

3 SB 184 - Scheve

4 HCS SCS SB 275, E.C. - Hosmer

5 SB 237 - Hosmer

(April 6, 1999)

6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTION**

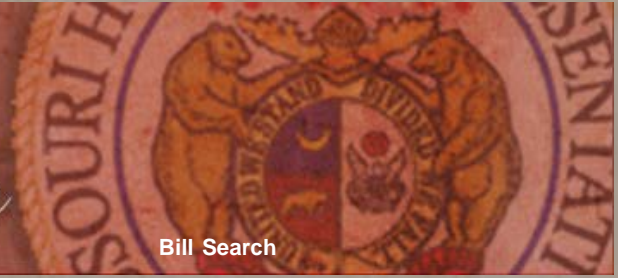
HR 66 (3-31-99 pgs. 1016 & 1017) - Green



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FORTY-SEVENTH DAY, Tuesday, April 6, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, as we pray, help us to place our actions in harmony with Your will. We are ashamed that we have done so little with so much, yet we press on to do better. Give us a sense of what is vital in life, lest we squander our days on inflated trifles. Bless our nation. Bless our state. Bless this House. And to You be glory and honor, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Emily Rigdon, Emily Sessner, Ryan Simmons, Sommer McCauley, Margaret Gambaro, Catherine Gambaro, Derio Gambaro, Marissa Hogan, Breenae Washington, Brittany Umstead, Charity Jones, Emily James, Kevin Kelly, Aaron Loida, Jessica VonderHaar, Kevin Martens, Trey Glaus, Ashton Scheulen, Lacey Scheulen and Jadrian Rathert.

The Journal of the forty-sixth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 587 - Representative Richardson

House Resolution No. 588 - Representative Gratz

House Resolution No. 589 - Representatives Gratz and Vogel

House Resolution No. 590 - Representative Crawford

House Resolution No. 591 through House Resolution No. 594 - Representative Patek

House Resolution No. 595 - Representative Williams (121)

House Resolution No. 596 - Representatives George and Reynolds

House Resolution No. 597 - Representatives Gaw and Seigfreid

House Resolution No. 598 - Representative Murphy

House Resolution No. 599 - Representative Gambaro

House Resolution No. 600 and House Resolution No. 601 - Representative Miller

House Resolution No. 602 - Representative Kelly (27)

House Resolution No. 603 - Representatives Green and George



House Resolution No. 604 through House Resolution No. 616 - Representative Murphy

House Resolution No. 617 through House Resolution No. 630 - Representatives Enz and Hendrickson

House Resolution No. 631 through House Resolution No. 658 - Representatives Murphy, Hendrickson and Enz

House Resolution No. 659 - Representative Bartelsmeyer

House Resolution No. 660 - Representative Sallee

## **SECOND READING OF HOUSE BILLS**

**HB 1053** and **HB 1054** were read the second time.

## **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 401 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 818 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 852 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## **THIRD READING OF HOUSE BILLS - CONSENT**

**HB 812**, relating to public hospitals, was taken up by Representative Berkowitz.

On motion of Representative Berkowitz, **HB 812** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Hendrickson Murphy Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Boucher Enz Hartzler 124 Leake Pryor

Reynolds Secrest Van Zandt

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Davis (122) moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**HB 987**, relating to county auditor, was taken up by Representative Backer.

On motion of Representative Backer, **HB 987** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Boucher Enz Hartzler 124 Leake Lograsso  
McKenna Pryor Reynolds Secrest Van Zandt

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HB 808**, relating to official state fruit, was taken up by Representative Naeger.

On motion of Representative Naeger, **HB 808** was read the third time and passed by the following vote:

AYES: 105

Akin Alter Ballard Barnett Barry 100

Bartelsmeyer Bennett Berkstresser Blunt Boatright

Bonner Boykins Burton Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Daniel 42 Davis 122 Davis 63 Days Dolan

Fitzwater Fraser Froelker Gaskill George

Gibbons Graham 106 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hanaway Harlan Hartzler 123

Hegeman Hendrickson Hilgemann Hollingsworth Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Lakin Lawson Legan

Levin Liese Linton Long Loudon

Luetkemeyer Luetkenhaus May 108 McClelland McKenna

McLuckie Miller Murray Myers Naeger

Nordwald O'Toole Ostmann Overschmidt Patek

Purgason Ransdall Reid Reinhart Relford

Rizzo Robirds Ross Scheve Schwab

Scott Seigfreid Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Tudor Vogel

Wagner Ward Wilson Wright Mr. Speaker

NOES: 047

Abel Auer Backer Bartle Berkowitz

Black Britt Campbell Crump Dougherty

Elliott Evans Farnen Foley Ford

Foster Franklin Gambaro Graham 24 Green

Hampton Hickey Hohulin Holand Hoppe



Hosmer Koller Kreider Leake Lograsso  
Marble Mays 50 McBride Merideth Monaco  
Murphy O'Connor Parker Pouche Richardson  
Ridgeway Sallee Selby Troupe Wiggins  
Williams 121 Williams 159

PRESENT: 002

Bray 84 Schilling

ABSENT WITH LEAVE: 007

Boucher Enz Hartzler 124 Pryor Reynolds  
Secrest Van Zandt

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Thompson (72) moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HB 965**, relating to the Missouri Investment Trust, was taken up by Representative Riback Wilson.

On motion of Representative Riback Wilson, **HB 965** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Cooper Crawford Crump  
Daniel 42 Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Ransdall  
Reid Reinhart Relford Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Boucher Enz Hartzler 124 Lawson Pryor  
Purgason Reynolds Richardson Secrest Van Zandt

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative George moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILLS

**HCS HB 441**, relating to employee information, was taken up by Representative Riback Wilson.

Representative Riback Wilson offered **HS HCS HB 441**.

Representative Bartle offered **House Amendment No. 1**.

**House Amendment No. 1** was withdrawn.

Representative Bartle offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 441, Page 2, Section 290.152, Line 3, by inserting after the word "from" on said line the following: "**an entity or person which the employer reasonably believes to be**".

On motion of Representative Bartle, **House Amendment No. 1** was adopted by the following vote:

AYES: 110

Abel Akin Alter Backer Ballard

Barnett Bartle Berkowitz Berkstresser Black

Boatright Bonner Britt Burton Campbell

Carter Chrismer Cierpiot Cooper Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Foley

Foster Franklin Fraser Gambaro Gaskill

Gibbons Graham 106 Graham 24 Griesheimer Gross

Hampton Hanaway Hartzler 123 Hegeman Hendrickson

Hilgemann Holand Hosmer Howerton Kasten

Kelly 27 Kennedy King Kissell Klindt

Koller Lakin Lawson Legan Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna Miller Monaco Murphy

Murray Myers Naeger O'Toole Ostmann

Parker Patek Pouche Purgason Ransdall

Reinhart Relford Ridgeway Robirds Ross

Sallee Schilling Schwab Scott Seigfreid

Shields Skaggs Smith Summers Surface

Thompson 72 Townley Tudor Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

NOES: 005

George Green McLuckie Reid Selby

PRESENT: 000

ABSENT WITH LEAVE: 046

Auer Barry 100 Bartelsmeyer Bennett Blunt  
Boucher Boykins Bray 84 Champion Clayton  
Daniel 42 Enz Fitzwater Ford Froelker  
Gratz Gunn Hagan-Harrell Harlan Hartzler 124  
Hickey Hohulin Hollingsworth Hoppe Kelley 47  
Kreider Leake Levin Merideth Nordwald  
O'Connor Overschmidt Pryor Reynolds Richardson  
Rizzo Scheve Secrest Shelton Stokan  
Thompson 37 Treadway Troupe Van Zandt Vogel  
Mr. Speaker

VACANCIES: 002

Representative Richardson offered **House Amendment No. 2**.

**House Amendment No. 2** was withdrawn.

Representative Richardson offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 441, Pages 2 and 3, Section 290.152, Line 23, by inserting after the word "unless" on said line the following:

**"it is proven by clear and convincing evidence that";** and

Further amend said bill, page 3, section 290.152, line 1, by inserting after the words "response was false" the following:

**"as to a material fact";** and

Further amend said bill, page 3, section 290.152, line 1, by inserting after the words "that it was false" the following:

**"as to a material fact";** and

Further amend said bill, page 3, section 290.152, line 3, by inserting after the words "was true or false" the following:

**"as to a material fact".**

Representative Richardson moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cooper



Crawford Dolan Elliott Ford Foster  
Froelker Gaskill Gibbons Graham 106 Gratz  
Griesheimer Gross Hanaway Hartzler 123 Hegeman  
Hendrickson Hohulin Holand Howerton Kasten  
Kelley 47 King Klindt Legan Levin  
Linton Long Loudon Luetkemeyer Marble  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Purgason  
Reinhart Richardson Robirds Sallee Schwab  
Scott Shields Summers Surface Townley  
Tudor Vogel Wright

NOES: 078

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boykins Britt Campbell Carter  
Clayton Crump Daniel 42 Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Franklin Fraser Gambaro George Graham 24  
Green Gunn Hagan-Harrell Hampton Harlan  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Reid Relford Ross Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Boucher Bray 84 Cierpiot Enz Evans  
Hartzler 124 Leake Liese Lograsso Pryor  
Reynolds Ridgeway Rizzo Secrest Van Zandt

VACANCIES: 002

On motion of Representative Riback Wilson, **HS HCS HB 441, as amended**, was adopted.

On motion of Representative Riback Wilson, **HS HCS HB 441, as amended**, was ordered perfected and printed.

**HB 700**, relating to electrical corporations, was taken up by Representative Mays (50).

Representative Mays (50) offered **HS HB 700**.

On motion of Representative Mays (50), **HS HB 700** was adopted.

On motion of Representative Mays (50), **HS HB 700** was ordered perfected and printed.

**HCS HB 460**, relating to communicable disease testing, was taken up by Representative O'Toole.

Representative O'Toole offered **HS HCS HB 460**.

Speaker Gaw assumed the Chair.

Representative Lograsso offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 460, Page 2, Section 191.660, Line 20, by adding the following at the end of said line:

"At the time an individual is requested to submit to such test, the requesting law enforcement officer, correctional officer or emergency care provider shall advise the individual of their right to request and have a court hearing prior to submitting to such test. Failure to advise the individual of such right shall be an absolute defense to any charge brought against such individual pursuant to subsection 3 of this section."

On motion of Representative Lograsso, **House Amendment No. 1** was adopted.

Representative Reid offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 460, Page 1, Section 191.660, Line 14 through 15 by deleting the following:

**"all communicable diseases defined in section 192.800, RSMo,"**

and insert in lieu thereof the following:

**"blood born pathogens"; and**

Further amend House Substitute for House Committee Substitute, Page 2, Section 191.660, Line 18 by deleting the following:

**"expeditiously"**

and inserting in lieu thereof:

**"within seven days".**

On motion of Representative Reid, **House Amendment No. 2** was adopted.

On motion of Representative O'Toole, **HS HCS HB 460, as amended**, was adopted.

On motion of Representative O'Toole, **HS HCS HB 460, as amended**, was ordered perfected and printed.

**HCS HB 814**, relating to tobacco settlement model statute, was taken up by Representative Smith.

Representative Smith offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 814, Page 3, Section 2, Line 29, by deleting from said line the words "**State-chartered**" and inserting in lieu thereof the words "**State chartered**"; and

Further amend said bill, page 4, section 3, line 14, by inserting immediately before the numeral "**2007**" the word "**of**"; and

Further amend said bill, page 5, section 3, lines 58 and 59 by deleting the word "**paragraph**" on both of said lines and inserting in lieu thereof the word "**section**"; and

Further amend said bill, page 5, Section A, line 2, by inserting after the word "**certain**" the word "**potential**"; and

Further amend said page and section, line 5, by inserting after the word "**fund**" a comma ",",.

On motion of Representative Smith, **House Amendment No. 1** was adopted.

On motion of Representative Smith, **HCS HB 814, as amended**, was adopted.

On motion of Representative Smith, **HCS HB 814, as amended**, was ordered perfected and printed.

**HB 277**, relating to insurance coverage, was taken up by Representative Carter.

**HB 277** was laid over.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HCS HBs 351 & 295, with HS, as amended, pending**, relating to pharmaceutical tax credit, was taken up and placed back on the Informal Calendar.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 115** - Fiscal Review (Fiscal Note)

**HS HCS HB 701** - Fiscal Review (Fiscal Note)

**HB 1038** - Urban Affairs

**HB 1051** - Transportation

**HB 1052** - Agriculture

**HB 1054** - Motor Vehicle and Traffic Regulations

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 51** - Federal-State Relations and Veterans Affairs

#### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 12** - Critical Issues

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SCS SBs 14, 60 & 69** - Ways and Means

**SB 34** - Civil and Administrative Law

**SCS SB 37** - Commerce

**SS#2 SB 288** - Missouri Tobacco Settlement

**SCS SB 394** - Local Government and Related Matters

**SB 460** - Education - Higher

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 979, HB 230, HB 988** and **HB 929**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HJR 20**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 3, by inserting after the word "**video**" the word "**gaming**"; and

Further amend said bill, Page 2, Section 39(g), Line 4, by inserting after the word "**video**" the word "**gaming**"; and

Further amend said bill, Page 2, Section 39(g), Line 8, by inserting after the word "**video**" the word "**gaming**" in both places where the word "**video**" appears; and

Further amend said bill, Page 2, Section 39(g), Line 9, by inserting after the word "**video**" the word "**gaming**".

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted



**HCR 10.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 13.**

Senate Concurrent Resolution No. 13

WHEREAS, many states and localities, based upon provisions of the Social Security Act, have affiliated with the Social Security System and developed excellent retirement and related programs that include both Social Security benefits and benefits from the respective state or local government pension plan; and

WHEREAS, other states and localities, in reliance upon the voluntary affiliation provisions, have not elected to participate in Social Security and have developed independent and excellent programs of retirement and related benefits; and

WHEREAS, the 105th Congress of the United States considered provisions to address the long-range funding issues of the Social Security System; and

WHEREAS, in considering such long-range funding issues, the 105th Congress of the United States considered legislation that would mandate Social Security coverage upon states and localities and their employees who have elected not to participate in Social Security; and

WHEREAS, the 106th Congress of the United States is expected to consider the issue of mandating Social Security coverage upon such employees of states and localities; and

WHEREAS, imposition of mandated Social Security coverage upon states, localities and their employees would create substantial cost pressures, necessitating rapid and ill-considered changes in plan design, including the possible abandonment of existing programs; and

WHEREAS, mandating Social Security coverage upon employees of states and localities who have elected not to participate in the Social Security System would increase expenses of such states and localities, which could result in an increase of taxes to citizens of such states and localities; and

WHEREAS, the inclusion of states, localities and their employees in the Social Security System would not solve the System's long-range funding problems; and

WHEREAS, serious constitutional questions are raised by the imposition of mandatory Social Security coverage of states, localities and their employees:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that it record strong opposition to mandatory Social Security coverage for public employees of state and local governments; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby support the affiliation of states, localities and their employees with Social Security and Medicare only by means of a voluntary referendum; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SCR 15.**

Senate Committee Substitute

for

Senate Concurrent Resolution No. 15

WHEREAS, the elk industry is a nine million dollar business in Missouri and the state has more than one hundred elk farms with over one thousand elk; and

WHEREAS, over a third of Missouri's counties have domestic elk herds and Missouri has the honor of being the site of the international headquarters of the North American Elk Breeders Association, as well as, the North American Elk Research Council, Inc.; and

WHEREAS, Missouri is the Midwest's top elk trading state and according to Missouri law, elk are classified as livestock which enables elk farming without a special permit; and

WHEREAS, the Department of Conservation has indicated it may support the reestablishment of wild elk herds in Missouri; and

WHEREAS, the unregulated breeding and gathering of wild elk herds in Missouri could be a safety risk since there is no natural food chain for elk in Missouri and there are no natural predators to control wild elk; and

WHEREAS, wild elk herds carry various diseases common to wild animals which can harm domestic elk livestock and such wild elk can cause damage to fences and crops; and

WHEREAS, since the elk is the largest member of the cervidac (deer) family, the presence of wild elk herds may present a hazard to motorists:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask the Conservation Commission and the Department of Conservation to reconsider any movement toward establishing wild elk herds in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Conservation Commission and the Director of the Department of Conservation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCR 18**.

Senate Concurrent Resolution No. 18

WHEREAS, the United States Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration; and

WHEREAS, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

WHEREAS, an accurate and legal decennial census is necessary to properly apportion United States House of Representatives seats among the 50 states and to create legislative districts within the states; and

WHEREAS, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

WHEREAS, Article I, Section 2 of the United States Constitution, in order to ensure an accurate count, and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population; and

WHEREAS, Title 13, Section 195 of the United States Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the United States population for the purpose of reapportioning the United States House of Representatives; and

WHEREAS, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

WHEREAS, the United States Supreme Court, in No. 98-404, *Department of Commerce, et al. v. United States House of Representatives, et al.*, together with No. 98-564, *Clinton, President of the United States, et al. v. Glavin, et al.*, ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

WHEREAS, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one person, one vote"; and

WHEREAS, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one person, one vote" legal protections, thus exposing the State of Missouri to protracted litigation over legislative redistricting plans to great cost to the taxpayers of the State of Missouri, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

WHEREAS, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

WHEREAS, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education

programs, as well as a provision for post census local review:

NOW, THEREFORE, BE IT RESOLVED, that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, calls on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, opposes the use of P.L. 94-171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, demands that it receive P.L. 94-171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and

BE IT FURTHER RESOLVED that the secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, Majority Leader of the United States Senate, and the Vice President and President of the United States.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 386**, entitled:

An act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 362.275, 362.550, 362.610, 408.035, 456.520 and 475.093, RSMo Supp. 1998, relating to banking, and to enact in lieu thereof eighteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 467**, entitled:

An act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to county employees' retirement system, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SB 209**, entitled:

An act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1998, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 7, 1999.



## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-sixth Day, Thursday, April 1, 1999, pages 1025 and 1026, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Page 1028, roll call, by showing Representatives Barry, Dolan and Ross voting "aye" rather than "absent with leave".

### **COMMITTEE MEETINGS**

#### **ACCOUNTS, OPERATIONS, AND FINANCE**

Wednesday, April 7, 1999. Hearing Room 4 upon morning adjournment.

#### **AGRICULTURE**

Wednesday, April 7, 1999. Side gallery upon morning adjournment.

Executive session on previously heard bills.

#### **BUDGET**

Wednesday, April 7, 1999, 8:30 am. Hearing Room 6. Executive session on previously heard bills.

#### **BUDGET**

Wednesday, April 7, 1999. Hearing Room 6 upon morning adjournment.

Executive session on previously heard bills.

#### **BUDGET**

Thursday, April 8, 1999, 8:30 am. Hearing Room 6.

Executive session on previously heard bills if needed.

#### **BUDGET**

Thursday, April 8, 1999. Hearing Room 6 upon morning adjournment.

Executive session on previously heard bills if needed.

#### **CHILDREN, YOUTH, AND FAMILIES**

Wednesday, April 7, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow.

To be considered - HR 502, SB 322

#### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, April 7, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 176, SB 438

#### **CRIMINAL LAW**

Wednesday, April 7, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 1030, SB 177

#### **EDUCATION - HIGHER**

Wednesday, April 7, 1999. Hearing Room 8 upon noon adjournment.



To be considered - HB 993, SB 33, SB 148, SB 443, Executive Session - SB 218

#### ELECTIONS

Wednesday, April 7, 1999, 8:30 am. Hearing Room 7.

To be considered - SB 346, SB 412, SB 466, SJR 23, Executive Session - HJR 30,  
Executive Session - SB 31

#### ENVIRONMENT AND ENERGY

Wednesday, April 7, 1999. Side gallery upon afternoon adjournment.

Executive session.

#### GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, April 7, 1999. Side gallery upon morning adjournment.

Executive session.

#### INSURANCE

Wednesday, April 7, 1999, 9:45 am. Side gallery.

To be considered - Executive Session - SB 28

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, April 8, 1999. Hearing Room 7 upon morning adjournment.

Closed meeting within the meaning of Chapter 610, RSMo.

#### JUDICIARY

Thursday, April 8, 1999, 9:30 am. Hearing Room 9.

To be considered - Executive Session - SB 142, Executive Session - SB 170,

Executive Session - SB 278, Executive Session - SB 295

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, April 7, 1999. Hearing Rooms 1 and 2 upon evening adjournment.

#### AMENDED NOTICE.

To be considered - SB 288, SCR 14

#### MUNICIPAL CORPORATIONS

Wednesday, April 7, 1999. Hearing Room 7 upon morning adjournment.

To be considered - SB 405

#### PUBLIC HEALTH

Wednesday, April 7, 1999, 8:30 am. Hearing Room 5. Possible executive session.

#### CORRECTED NOTICE.

To be considered - SB 261, SB 477

#### TRANSPORTATION

Wednesday, April 7, 1999, 12:30 pm. Hearing Room 5. Executive session may follow.

To be considered - HB 1015, HJR 38, SB 152, SB 414

#### UTILITIES REGULATION

Thursday, April 8, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - HB 900, SB 201

#### HOUSE CALENDAR

FORTY-EIGHTH DAY, WEDNESDAY, APRIL 7, 1999

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579 - Hosmer

2 HCS HB 430 & 648 - McLuckie

3 HB 277 - Carter

4 HB 971 - Shelton

5 HCS HB 180 - Hoppe

6 HCS HB 192 & 945 - Davis (122)

7 HCS HB 723 - Koller

8 HCS HB 780 - Van Zandt

9 HCS HB 673 - Kissell

10 HCS HB 643, 710 & 711 - Bray

11 HB 952 - Koller

12 HCS HB 599 - Gunn

13 HB 133 - Crump

14 HCS HB 769 - Bray

15 HB 120 - Kreider

16 HCS HB 934 - Treadway

17 HCS HB 456 - Fitzwater

18 HB 856 - Ford

19 HCS HB 640 - Campbell

20 HCS HB 354 - Barry

21 HCS HB 709 - Leake

22 HB 844 - Gratz

23 HB 519 - Relford

#### HOUSE BILLS FOR PERFECTION - INFORMAL

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

3 HCS HB 718, 225, 876 & 838 - Harlan

#### HOUSE BILLS FOR PERFECTION - CONSENT

(March 30, 1999)

1 HB 199 - Ridgeway

2 HB 857 - Monaco

(March 31, 1999)

3 HB 1045 - Kennedy

4 HB 472 - Nordwald

(April 1, 1999)

5 HB 763 - O'Toole

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen

4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

#### **HOUSE BILLS FOR THIRD READING**

1 HCS HB 818 - Days

2 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

3 HCS HB 389 - Hoppe

4 HS HCS HB 852 - Hosmer

5 HCS HB 850 & 851 - Hosmer

6 HB 401 - Barry

7 HS HCS HB 793, (Fiscal Review 4-1-99) - Treadway

8 HS HCS HB 701, (Fiscal Review 4-6-99) - Rizzo

9 HS HB 492 - Hosmer

10 HCS HB 603, 722 & 783 - Wiggins

11 HS HCS HB 822, E.C. - Liese

12 HB 115, (Fiscal Review 4-6-99) - Kreider

13 HS HCS HB 256 - George

14 HCS HB 736, 515 & 508, E.C. - Hagan-Harrell

15 HCS HB 911 - Clayton

#### **HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HS HB 454 - Carter

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 979 - Auer
- 2 HB 230 - Days
- 3 HB 988 - Backer
- 4 HB 929 - Griesheimer

#### **SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

- 1 SCR 13
- 2 SCS SCR 15
- 3 SCR 18

#### **SENATE BILLS FOR SECOND READING**

- 1 SS#2 SB 209
- 2 SCS SB 386
- 3 SS SCS SB 467

#### **SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 169, HCA 1 - Boucher
- 2 SB 188 - Smith

(March 30, 1999)

- 3 SB 184 - Scheve
- 4 HCS SCS SB 275, E.C. - Hosmer
- 5 SB 237 - Hosmer

(April 6, 1999)

- 6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

(April 7, 1999)

- 7 SB 10, HCA 1 - McKenna
- 8 SB 268 - Koller
- 9 SB 189 - Smith
- 10 SB 213 - Crump
- 11 SB 112 - Smith
- 12 SB 17, HCA 1 - Koller

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTIONS**

- 1 HR 66, (3-31-99, pgs. 1016 & 1017) - Green
- 2 HR 200, (3-31-99, pgs. 1017 & 1018) - Williams (121)
- 3 HR 49, (3-31-99, pg. 1016) - Farnen

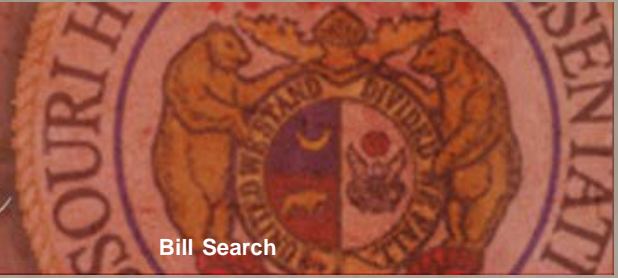




Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FORTY-EIGHTH DAY, Wednesday, April 7, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Our Kind and Gracious God, increase our confidence in the power of love to conquer hate, and increase our patience to accept and work through conflict as a way of reaching peace.

We have so many words, yet it is Your Word that finally matters in all we do.

Give us faith to believe that when You want us to do, or not do, a particular thing you have a way of letting us know.

Keep working on us, we pray, we do know You are not finished with us yet. And to You be all honor, forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jared Clark, Andrew Frank, Andrew Braun, Nicholas Grant, William Walker, Cameron Horine, Chris Enss, Caleb Streeter, Sherika Rice, Raquel Oliver, Michael Woods, Kelvin Gilmer, Denny J. Merideth IV and Kristofer D. Merideth.

The Journal of the forty-seventh day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 661 - Representative Surface

House Resolution No. 662 - Representative Selby

House Resolution No. 663 - Representative Gross

House Resolution No. 664 - Representative Hartzler (123)

House Resolution No. 665 - Representative Howerton

House Resolution No. 666 through House Resolution No. 697 - Representative Murphy

House Resolution No. 698 through House Resolution No. 711 - Representatives Murphy and Enz

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 13, SCS SCR 15** and **SCR 18** were read the second time.

## SECOND READING OF SENATE BILLS

**SS#2 SB 209, SCS SB 386** and **SS SCS SB 467** were read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 441, HS HB 700, HS HCS HB 460** and **HCS HB 814**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## THIRD READING OF HOUSE BILLS - CONSENT

**HB 979**, relating to public school retirement system board, was taken up by Representative Auer.

On motion of Representative Auer, **HB 979** was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Evans Farnen Foley Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Berkowitz Boucher Enz Fitzwater Ford  
Hartzler 124 Lograsso Luetkemeyer Murphy Pryor  
Reynolds Secrest Selby

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HB 230**, relating to Lincoln University Board of Curators, was taken up by Representative Days.

On motion of Representative Days, **HB 230** was read the third time and passed by the following vote:

AYES: 142

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkstresser Black Blunt Bonner  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Cooper Crawford Crump Daniel 42 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Evans Farnen Foley Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Green Griesheimer



Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Purgason  
Ransdall Reid Reinhart Relford Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 009

Boatright Gratz Gross Hohulin Howerton  
Linton Murphy Tudor Vogel

PRESENT: 000

ABSENT WITH LEAVE: 010

Berkowitz Boucher Enz Fitzwater Ford  
Hartzler 124 Patek Pryor Reynolds Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative May (108) moved that motion lay on the table.

The latter motion prevailed.

**HB 988**, relating to DNR Revolving Services Fund, was taken up by Representative Backer.

On motion of Representative Backer, **HB 988** was read the third time and passed by the following vote:

AYES: 112

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Berkstresser

Black Boatright Boykins Burton Campbell

Carter Champion Cierpiot Clayton Cooper

Crawford Crump Davis 122 Davis 63 Days

Dougherty Elliott Evans Farnen Foley

Foster Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hampton Hartzler 123

Hegeman Hendrickson Hilgemann Hohulin Hoppe

Hosmer Howerton Kasten Kelley 47 King

Kissell Klindt Koller Lakin Leake

Legan Linton Lograsso Long Loudon

Luetkemeyer May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Nordwald O'Toole

Ostmann Overschmidt Parker Pouche Purgason

Ransdall Reid Reinhart Relford Richardson

Ridgeway Rizzo Robirds Sallee Schilling

Schwab Selby Shields Smith Stokan

Surface Thompson 72 Townley Tudor Van Zandt

Vogel Ward Wiggins Williams 121 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 049

Barnett Bennett Berkowitz Blunt Bonner

Boucher Bray 84 Britt Chrismer Daniel 42

Dolan Enz Fitzwater Ford Franklin

Froelker Gunn Hanaway Harlan Hartzler 124

Hickey Holand Hollingsworth Kelly 27 Kennedy

Kreider Lawson Levin Liese Luetkenhaus

Marble Naeger O'Connor Patek Pryor

Reynolds Ross Scheve Scott Secrest

Seigfreid Shelton Skaggs Summers Thompson 37

Treadway Troupe Wagner Williams 159

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Hilgemann moved that motion lay on the table.

The latter motion prevailed.

Representative Auer assumed the Chair.

**HB 929**, relating to open burning, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, **HB 929** was read the third time and passed by the following vote:

AYES: 091

Abel Akin Alter Backer Ballard

Bartelsmeyer Bartle Berkstresser Black Blunt

Boatright Bonner Britt Campbell Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Evans Farnen Foley

Foster Fraser Froelker Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Hampton Hartzler 123 Hilgemann Hohulin

Holand Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lawson Leake

Legan Linton Lograsso Long Luetkemeyer

Luetkenhaus Mays 50 McBride McKenna McLuckie

Miller Monaco Murray Myers Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Relford Richardson Rizzo Robirds

Sallee Schwab Selby Shelton Smith

Stokan Surface Thompson 72 Townley Tudor

Van Zandt Vogel Wiggins Williams 159 Wright

Mr. Speaker

NOES: 023

Barry 100 Boykins Burton Carter Champion

Chrismer Cierpiot Cooper Gambaro Gross

Hegeman Hendrickson Liese Loudon McClelland

Murphy Reid Reinhart Ridgeway Scheve

Schilling Shields Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 047

Auer Barnett Bennett Berkowitz Boucher

Bray 84 Daniel 42 Elliott Enz Fitzwater

Ford Franklin Gunn Hagan-Harrell Hanaway

Harlan Hartzler 124 Hickey Hollingsworth Hoppe

Hosmer Howerton Kasten Kelly 27 Lakin

Levin Marble May 108 Merideth Naeger

Nordwald O'Connor O'Toole Pryor Reynolds

Ross Scott Secrest Seigfreid Skaggs

Summers Thompson 37 Treadway Troupe Wagner

Ward Wilson

VACANCIES: 002

Representative Auer declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF HOUSE BILLS

**HCS HB 818**, relating to student academic deficiencies, was taken up by Representative Days.

On motion of Representative Days, **HCS HB 818** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton



Campbell Carter Champion Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dougherty Elliott  
Evans Farnen Foley Foster Franklin  
Fraser Froelker Gambaro George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Richardson Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 003

Gaskill Patek Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 012

Berkowitz Boucher Dolan Enz Fitzwater

Ford Hartzler 124 Lakin Pryor Reynolds

Secrest Thompson 37

VACANCIES: 002

Representative Auer declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HCS HB 389**, relating to boundaries of political subdivisions, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **HCS HB 389** was read the third time and passed by the following vote:

AYES: 087

Abel Auer Backer Barry 100 Bonner

Boykins Bray 84 Britt Campbell Carter

Clayton Cooper Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Farnen

Foley Ford Franklin Fraser Gambaro

George Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Harlan Hickey Hilgemann

Hollingsworth Hoppe Hosmer Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Levin Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Monaco

Murray O'Connor O'Toole Overschmidt Parker

Pouche Ransdall Reid Reinhart Relford

Ridgeway Rizzo Scheve Schilling Seigfreid

Selby Shelton Skaggs Smith Thompson 37

Thompson 72 Treadway Troupe Tudor Van Zandt

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 062

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Elliott Evans Foster Froelker

Gaskill Gibbons Graham 106 Gross Hanaway

Hartzler 123 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kelley 47 King Klindt

Legan Linton Long Loudon Luetkemeyer

Marble McClelland Merideth Miller Murphy

Myers Naeger Nordwald Patek Purgason  
Richardson Robirds Ross Sallee Schwab  
Scott Shields Summers Surface Townley  
Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Berkowitz Boucher Enz Fitzwater Hampton  
Hartzler 124 Lograsso Ostmann Pryor Reynolds  
Secrest Stokan

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Kelly (27) moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 852**, relating to civil commitment, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HS HCS HB 852** was read the third time and passed by the following vote:

AYES: 113

Alter Auer Ballard Barnett Barry 100  
Bartelsmeyer Bartle Bennett Berkstresser Black  
Blunt Boatright Bonner Britt Burton  
Campbell Champion Chrismer Cooper Crawford  
Crump Davis 122 Davis 63 Dolan Dougherty  
Elliott Evans Farnen Foley Foster  
Franklin Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Hagan-Harrell Hartzler 123 Hegeman Hendrickson  
Hickey Hohulin Holand Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Kreider Lakin  
Lawson Leake Legan Levin Linton  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna

Merideth Miller Monaco Murray Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Purgason Ransdall Reid  
Reinhart Relford Richardson Rizzo Robirds  
Ross Sallee Scheve Schwab Seigfreid  
Shields Skaggs Smith Summers Surface  
Treadway Tudor Vogel Wagner Ward  
Williams 159 Wright Mr. Speaker

NOES: 029

Abel Akin Backer Carter Daniel 42  
Days Fraser Froelker Gunn Hanaway  
Harlan Hilgemann Koller Liese Lograsso  
Murphy Myers Pouche Ridgeway Schilling  
Scott Selby Shelton Stokan Thompson 72  
Townley Troupe Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 019

Berkowitz Boucher Boykins Bray 84 Cierpiot  
Clayton Enz Fitzwater Ford Hampton  
Hartzler 124 Hollingsworth McLuckie Pryor Reynolds  
Secrest Thompson 37 Wiggins Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 850 & 851**, relating to penalties for sexual offenses, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS HBs 850 & 851** was read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle



Bennett Berkstresser Black Blunt Boatright  
Bonner Boykins Britt Burton Campbell  
Champion Chrismer Cierpiot Clayton Cooper  
Crawford Crump Davis 122 Davis 63 Dolan  
Dougherty Elliott Evans Farnen Foley  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hanaway Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wright Mr. Speaker

NOES: 006

Carter Daniel 42 Days Murphy Troupe  
Wilson

PRESENT: 001

Lograsso

ABSENT WITH LEAVE: 015

Berkowitz Boucher Bray 84 Enz Fitzwater  
Ford Hampton Hartzler 124 Hollingsworth Hoppe  
Long Pryor Reynolds Secrest Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

**HB 401**, relating to screening for hearing loss in newborns, was taken up by Representative Barry.

On motion of Representative Barry, **HB 401** was read the third time and passed by the following vote:

AYES: 138

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boykins Britt Burton Campbell Carter

Champion Chrismer Cierpiot Cooper Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Foley

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hanaway Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Holand Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Kreider Lakin

Lawson Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Purgason

Ransdall Reid Reinhart Relford Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 001

Hohulin

PRESENT: 001

Auer

ABSENT WITH LEAVE: 021

Berkowitz Boucher Bray 84 Clayton Daniel 42

Enz Fitzwater Ford Hampton Hartzler 124

Hollingsworth Kennedy Koller Leake Lograsso

May 108 Patek Pryor Reynolds Secrest

Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Crump, the House recessed until 2:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mandy Towner, Haley Almond, Justin Valantine, Kristin Almond, Amanda Pate, Dana Bocke, Dixie Elliott, Stacy Teeple, Heather Newton and Rebecca Norman.

#### **HOUSE RESOLUTION OFFERED**

House Resolution No. 713 - Representative Crawford

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 712 - Representative Black

House Resolution No. 714 - Representatives Bennett and Gross

House Resolution No. 715 - Representative Ostmann

House Resolution No. 716 - Representative Murphy

House Resolution No. 717 - Representative Luetkemeyer

House Resolution No. 718 and House Resolution No. 719 - Representative Berkstresser

House Resolution No. 720 - Representative Campbell

House Resolution No. 721 and House Resolution No. 722 - Representative Griesheimer

### THIRD READING OF HOUSE BILLS

**HS HB 492**, relating to securities regulations, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HS HB 492** was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Elliott Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hanaway Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Roberts Ross Sallee Scheve Schilling

Schwab Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 002



Murphy Ward

PRESENT: 000

ABSENT WITH LEAVE: 014

Berkowitz Boucher Burton Crawford Enz

Hampton Harlan Hartzler 124 Kelly 27 Liese

McBride Pryor Scott Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative George moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 603, 722 & 783**, relating to solid waste management, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **HCS HBs 603, 722 & 783** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boykins Bray 84 Britt Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Elliott Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hanaway Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

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Sallee Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Backer Berkowitz Boucher Burton Enz

Hampton Harlan Hartzler 124 Miller Pryor

Scott Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

Representative Lograsso assumed the Chair.

**HS HCS HB 822**, relating to banking, was taken up by Representative Liese.

On motion of Representative Liese, **HS HCS HB 822** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Griesheimer Gross Gunn  
Hagan-Harrell Hanaway Hartzler 123 Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 003

Green Murphy Reynolds

PRESENT: 002

Hegeman Marble

ABSENT WITH LEAVE: 010

Berkowitz Boucher Enz Hampton Harlan

Hartzler 124 Kelly 27 Pryor Scott Secrest

VACANCIES: 002

Representative Lograsso declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Abel Akin Alter Auer Ballard

Barry 100 Bartelsmeyer Bartle Bennett Berkstresser

Black Blunt Boatright Bonner Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Elliott Evans

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hanaway Harlan

Hartzler 123 Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Legan

Levin Liese Linton Long Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 008

Farnen Green Hohulin Lograsso Loudon

Merideth Murphy Wright

PRESENT: 002



Hegeman Marble

ABSENT WITH LEAVE: 013

Backer Barnett Berkowitz Boucher Enz

Hampton Hartzler 124 Hosmer Leake Pryor

Reynolds Scott Secrest

VACANCIES: 002

On motion of Representative Lawson, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 256**, relating to construction contracts, was taken up by Representative George.

On motion of Representative George, **HS HCS HB 256** was read the third time and passed by the following vote:

AYES: 142

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 63

Days Dolan Dougherty Elliott Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hanaway

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Howerton

Kasten Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Purgason Ransdall Reid Relford Reynolds  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Backer Berkowitz Boucher Davis 122 Enz  
Froelker Hampton Harlan Hartzler 124 Hosmer  
Kelly 27 Leake Patek Pryor Reinhart  
Richardson Scott Secrest Treadway

VACANCIES: 002

Representative Lograsso declared the bill passed.

On motion of Representative Luetkenhaus, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 736, 515 & 508**, relating to public school retirement system, was taken up by Representative Hagan-Harrell.

Representative Hagan-Harrell offered **House Perfecting Amendment No. 1** .

*House Perfecting Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 736, 515 & 508, Page 1, In the Title, Line 4, by deleting the word "system" and inserting in lieu thereof the word "systems"; and

Further amend said bill, Page 7, Section 169.070, Line 106, by deleting the following: ". **The**" and inserting in lieu thereof the following: ", **the**"; and

Further amend said bill, Page 11, Section 169.070, Line 256, by deleting the words "**dollars of**" and inserting in lieu thereof the words "**dollars or**".

On motion of Representative Hagan-Harrell, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Hagan-Harrell, **HCS HBs 736, 515 & 508, as amended**, was adopted.

On motion of Representative Hagan-Harrell, **HCS HBs 736, 515 & 508, as amended**, was ordered perfected and printed.

AYES: 144

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkstresser Black Blunt Boatright  
Bonner Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Cooper Crawford Crump Daniel 42  
Davis 63 Days Dolan Dougherty Elliott  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hanaway Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Howerton Kasten Kelley 47 Kelly 27  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Purgason Ransdall Reid  
Reinhart Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Scheve Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 003

Davis 122 Relford Sallee

ABSENT WITH LEAVE: 014

Berkowitz Boucher Enz Hampton Hartzler 124

Hohulin Hosmer Kennedy Leake Patek

Pryor Scott Secrest Williams 121

VACANCIES: 002

Representative Lograsso declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Davis 63 Days

Dolan Dougherty Elliott Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hanaway

Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reid

Reinhart Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 002



Akin Wright

PRESENT: 002

Davis 122 Relford

ABSENT WITH LEAVE: 012

Berkowitz Boucher Boykins Enz Hampton

Hartzler 124 Hohulin Hosmer Leake Pryor

Scott Secrest

VACANCIES: 002

On motion of Representative Franklin, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 911**, relating to County Employees' Retirement Fund, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCS HB 911** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dougherty Elliott Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hanaway Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wright

Mr. Speaker

NOES: 001

Wilson

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 013

Bartelsmeyer Berkowitz Boucher Enz Hampton

Hartzler 124 Hosmer Leake Pryor Scott

Secrest Stokan Wiggins

VACANCIES: 002

Representative Lograsso declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

### **THIRD READING OF HOUSE BILL - FEDERAL MANDATE**

**HS HB 454**, relating to cancer information reporting system, was taken up by Representative Carter.

On motion of Representative Carter, **HS HB 454** was read the third time and passed by the following vote:

AYES: 144

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartle Bennett  
Berkstresser Black Blunt Boatright Bonner  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Cooper Crawford Crump Daniel 42 Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hanaway Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 016

Bartelsmeyer Berkowitz Boucher Enz Froelker

Hampton Hartzler 124 Hohulin Hosmer Leake

Lograsso McBride Pryor Scott Secrest

Wiggins

VACANCIES: 002

Representative Lograsso declared the bill passed.

On motion of Representative Harlan, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

#### PERFECTION OF HOUSE BILL - INFORMAL

**HCS HBs 718, 225, 876 & 838**, relating to health insurance, was taken by Representative Harlan.

Representative Harlan offered **HS HCS HBs 718, 225, 876 & 838**.

Representative Harlan offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Section 376.421.1(5), Page 13, Line 14, b deleting the word "bona fide" and inserting in lieu thereof the word "**professional**"; and

Further amend said bill, Section, page, line 17, by deleting the word "bona fide" and inserting in lieu thereof the word "**professional**"; and

Further amend said bill, Section 376.966.1(2), line 16, by deleting the words "section 379.986" and inserting in lieu thereof the words "**section 376.986**"; and

Further amend said bill, Section 376.966.3(5), page 27, line 4, by deleting all of said line and inserting in lieu thereof the following:

**"whose premiums have increased to one hundred thirty-five percent or more of"; and**

Further amend said bill, Section 376.986.6(2), page 31, line 8, by deleting the words "of the most recent eighteen"; and

Further amend said bill, Section 379.930.2(36), page 45, line 6, by deleting all of said line and inserting in lieu thereof the following:

**"three nor] employed an average of at least two but no more than"; and**

Further amend said bill, Section 376.771.3, page 79, line 17, by deleting the word "carrier" and inserting in lieu thereof the word "**insurer**"; and



Further amend said bill, Section 376.771.3, page 79, line 23, by deleting the word "carrier" and inserting in lieu thereof the word "**insurer**"; and

Further amend said bill, Section 376.771.3, page 80, line 2, by deleting the word "carriers" and inserting in lieu thereof the word "**insurers**"; and

Further amend said bill, Section 376.771.4(1)(c), page 80, line 15, by deleting the words "subsection 6 of" and inserting in lieu thereof the words "**subsections 5 and 6 of**"; and

Further amend said bill, Section 376.771(1)(d), page 80, line 20, by deleting the word "carrier" and inserting in lieu thereof the word "**insurer**"; and

Further amend said bill, Section 376.771(1)(d), page 80, line 22, by deleting the word "carrier" and inserting in lieu thereof the word "**insurer**"; and

Further amend said bill, Section 376.771(1)(d), page 87, line 21, by inserting after the word "year", the following:

**"or with paid losses in the year, coinciding with or ending during the calendar year."**

On motion of Representative Harlan, **House Amendment No. 1** was adopted.

Representative Sallee offered **House Amendment No. 2**.

*House Amendment No. 2*

Amend House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 18, Section 376.424, Line 15, by adding one new section immediately after said line as follows:

**"376.765 1. No insurance company may require an insured, applicant for insurance, or prospective insured, directly or indirectly to purchase life insurance or annuities as a condition of being allowed to purchase health insurance.**

**2. As used in this section:**

**(1) "Insurance company" includes any insurance company, health services corporation, health maintenance organization, and any person or entity required by the laws of this state to obtain a certificate of authority or license from the director of the department of insurance;**

**(2) "Health insurance" means any policy, contract, certificate or agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of, health care services."**

And further amend title and enacting clause accordingly.

On motion of Representative Sallee, **House Amendment No. 2** was adopted.

Representative Abel offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 90, Section 376.773.1, Line 12, by striking the words "sections 376.771 and 376.772," and inserting in lieu thereof the following:

**"Sections 376.771, 376.772 and 376.774,"**; and

Further amend said bill, Page 91, Section 376.773.2, Lines 5 and 6, by striking the words, "For purposes of sections 376.771 and 376.772" and inserting in lieu thereof the following:

"For purposes of sections 376.771, 376.772, 376.774"; and

Further amend said bill, Page 91, Section 376.773.3, Line 18, by inserting after all of said line the following:

**376.774.1. This section shall apply to individual policies of accident and sickness insurance.**

**2. As used in this section:**

(1) "Block of business" means a particular form of individual policy of accident and sickness insurance issued by an insurer to one or more individuals which includes distinct benefits, services and terms.

(2) "Closed block of business" means a block of business which an insurer ceases to actively offer or sell to new applicants.

**3. No block of business shall be closed by an insurer unless:**

(1) The insurer permits existing contract holders to purchase a contract from any block of business that is not closed and which provides comparable benefits, services and terms, with no additional underwriting requirement or waiting period;

(2) the insurer pools the experience of the closed block of business with all appropriate blocks of business that are not closed for the purpose of determining the premium rate of any contract within the closed block, with no rate penalty or surcharge beyond that which reflects the experience of the combined pool; and

(3) if an insurer does not offer or sell any block of business which provides comparable benefits, services and terms comparable to the closed block of business, paragraphs (1) and (2) shall not apply. If a block of business providing benefits, services and terms comparable to the closed block of business becomes available within 24 months of the notice to the director, such block shall be open to any contract holder in accordance with the provisions of subdivisions (1) and (2). The insurer shall provide notice to the director in writing within 30 days of its decision to close a block of business or, in the absence of an actual decision to close a block of business, within 30 days of its determination that a block of business is within one of the presumptions set forth in subsection four.

**4. Unless an insurer presents evidence satisfactory to the director that such a presumption is or would be incorrect, a block of business shall be presumed closed if either of the following circumstances exist:**

(1) there has been an overall reduction in that block of 12% in the number of in-force contracts for a period of 12 months; or

(2) that block has less than 500 in-force contracts in this state.

The presumption that applies in the circumstances of subdivision (2) of subsection four shall not apply to a block of business initiated within the previous 24 months, but notification of that block of business shall be provided to the director pursuant to subsection five. The fact that a block of business does not meet one of the presumptions set forth in this subsection shall not preclude a determination that it is closed as defined in subdivision (2) of subsection two.

**5. An insurer shall notify the director in writing within 30 days of its decision to close a block of business or, in the absence of an actual decision to close a block of business, within 30 days of its determination that a block of business is within one of the presumptions set forth in subsection four. When the insurer decides to close a block of business, the written notice to the director shall fully disclose all information required for compliance with subsection three. When the insurer determines that a block of business is within a presumption of subsection three, the written notice to the director shall fully disclose all information required for compliance with a presumption of subsection three. In the case of either notice, the insurer shall provide additional information within 15 business days after a request by the director. This subsection shall not apply to an insurer which does not have available a block of business which provides comparable benefits, services and terms comparable to the closed block of business and which has complied with the notice requirements pursuant to subdivision (3) of subsection three.**

5. An insurer shall preserve for a period of not less than five years in an identified location which is readily accessible for review by the director, all books and records relating to any action taken by an insurer pursuant to subsection three.

6. No insurer shall offer or sell any contract, or provide misleading information about the active or closed status of a block of business, for the purpose of evading this section."

On motion of Representative Abel, **House Amendment No. 3** was adopted.

Representative Days offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, by inserting on Page 76, after Line 1, the following:

"379.952.10 For purposes of health benefit plans sold to employers of exactly two (2) eligible employees and health benefit plans sold to employers with more than twenty-five (25) eligible employees but not more than fifty (50) eligible employees, sections 379.934 and 379.936 shall become effective July 1, 2000."

On motion of Representative Days, **House Amendment No. 4** was adopted.

Representative Harlan offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Section 376.772, Page 83, Line 21, by inserting the following immediately after the word "association": "; provided, however, that persons that provide no health benefit plans other than health benefit plans to individuals pursuant to the Medical program shall be exempt from membership in the association."

On motion of Representative Harlan, **House Amendment No. 5** was adopted.

Representative Treadway offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, by inserting immediately after section 376.421, page 17, line 4, the following new subsections:

"3. (1) A carrier offering a group health plan shall provide the certification required in subdivision (2):

(a) at the time an individual ceases to be covered under the plan or otherwise becomes covered under a federal COBRA continuation provision,

(b) in the case of an individual becoming covered under such a provision, at the time the individual ceases to be covered under such provision, and

(c) on the request on behalf of an individual made not later than 24 months after the date of cessation of the coverage described in paragraphs (a) or (b), whichever is later. The certification under paragraph (a) may be provided, to the extent practicable, at a time consistent with notices required under any applicable federal COBRA continuation provision.

(2) The certification described in this subdivision is a written certification provision.

(a) the period of creditable coverage of the individual under such plan and the coverage if any under such federal COBRA continuation provision, and

(b) the waiting period (if any) (and affiliation period, if applicable) imposed with respect to the individual for any coverage under such plan.

(3) To the extent that medical care under a group health plan consists of group health insurance coverage, the plan is deemed to have satisfied the certification requirement under this subsection if the health insurer offering the coverage provides for



such certification in accordance with this subsection.

(4) The terms "carrier," "creditable coverage," and "group health plan" as used in this subsections 3 and 4 of this section shall have the same meanings as provided for such terms in section 379.930 of this act.

"4. A carrier issuing either an individual or a group health plan may require any person applying for coverage based on such person's prior creditable coverage to first exhaust any continuation of coverage permitted or required by section 376.428 before such carrier waives any otherwise applicable medical underwriting requirements or preexisting conditions restrictions of limitations."; and

Further amend House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, by inserting immediately after section 376.771, Page 83, Line 13, the following new subsections:

"7. (1) An insurer offering a policy of accident and sickness insurance shall provide the certification required in subdivision (2):

(a) at the time an individual ceases to be covered under the policy, and

(b) on the request on behalf of an individual made not later than 24 months after the date of cessation of the coverage described in paragraph (a).

(2) The certification described in this subdivision is a written certification of:

(a) the period of creditable coverage of the individual under such policy, and

(b) the waiting period (if any) (and affiliation period, if applicable) imposed with respect to the individual for any coverage under such policy.

"8. An insurer issuing either an individual or a group health plan may require any person applying for coverage based on such person's prior creditable coverage to first exhaust any continuation of coverage permitted or required by section 376.428 before such insurer waives any otherwise applicable medical underwriting requirements or preexisting conditions restrictions of limitations."; and

Further amend House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, section 376.775, Page 94, Line 19, by deleting the following: "subsection 2 of".

On motion of Representative Treadway, **House Amendment No. 6** was adopted.

Representative Shields offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, by inserting immediately after section 376.772, Page 90, Line 7, the following new subsection:

"14. (1) No member of the board of directors of the Missouri Individual Health Benefit Reinsurance Association shall be civilly liable, either jointly or separately, as a result of any act, omission or decision in performance of his duties as specifically required by this section. Such immunity shall not attach for any intentional or reckless act affecting the property or rights of any person.

(2) Neither the participation in the Missouri Individual Health Benefit Reinsurance Association as members, the establishment of rates, forms or procedures, nor any other joint or collective action required or permitted by the provisions of this section shall be the basis of any legal action, criminal or civil liability or penalty against the association or any of its members."

On motion of Representative Shields, **House Amendment No. 7** was adopted.

Representative Wiggins offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Pages 1 and 2, Section 143.141, by deleting said section from the bill; and



Further amend said bill, Page 78, Section 1, Line 1, by inserting after said line the following:

**"Section 2. 1. For all taxable years beginning after December 31, 1999, a resident individual taxpayer may deduct from such individual's Missouri adjusted gross income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal adjusted gross income. The director of revenue may require additional documentation from the taxpayers to substantiate the deduction.";** and

Further amend the title and enacting clause accordingly.

Representative Kelly (27) offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

**House Substitute Amendment No. 1 for House Amendment No. 8** was withdrawn.

Representative Kelly (27) offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 78, Section 1, Line 1 by inserting after said line the following:

**"Section 2. 1. For all taxable years beginning after December 31, 1999, there shall be subtracted from an individual's Missouri adjusted gross income an amount equal to the lesser of one thousand dollars for a single taxpayer, one thousand dollars for a head of household or two thousand dollars for a married couple filing combined or one hundred percent of the amount paid by such individual during his or her taxable year for documented health insurance premiums and out-of-pocket medical costs to the extent such amount is included in the individual's federal adjusted gross income and to the extent such amount is not otherwise deducted there from pursuant to any other law and is not reimbursed by any source. For purposes of this section, "out-of-pocket medical costs" are those medical expenses deductible pursuant to section 213 of the Internal Revenue Code and rulings interpreting section 213 of the Internal Revenue Code. The deduction allowed pursuant to this section shall not be refundable.**

**2. The deduction provided in this section shall be available to an individual whether such individual elects to itemize his or her deductions or elects to deduct the Missouri standard deduction. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of health insurance premiums and out-of-pocket medical expenses.**

**3. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.**

**4. The provisions of this section shall terminate on December 31, 2004.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Kelly (27), **House Substitute Amendment No. 1 for House Amendment No. 8** was adopted.

Representative Kreider offered **House Amendment No. 9.**

Representative Harlan raised a point of order that **House Amendment No. 9** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Backer offered **House Amendment No. 9.**

**House Amendment No. 9** was withdrawn.

Representative Dolan offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, by inserting immediately after section 376.771, Page 83, Line 13, the following new subsection:

"7. Any difference in commissions or other compensation arrangements for sale, enrollment, delivery or issuance of individual policies of accident and sickness insurance between such policies issued to individuals without medical underwriting and to other individuals, shall be deemed an unfair act or practice constituting "unfair discrimination" within the meaning of section 375.936(11)."

On motion of Representative Dolan, **House Amendment No. 9** was adopted.

Representative Kelly (27) offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, in Section 376.771.2(3) by inserting on Page 79, Line 16, after the word "continuation", the following: "or coverage under any state continuation pursuant to section 376.428".

On motion of Representative Kelly (27), **House Amendment No. 10** was adopted.

Representative Scott offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 78, Section 376.771, Line 11, by inserting immediately before the word "**geographic area**" the following: "**health status**"; and

Further amend said bill, Page 82, Section 376.771, Line 3, by inserting immediately after the period "." the following: "**No premium shall be adjusted more than thirty-five percent based on health status. No premium shall be adjusted due to health status on renewal.**".

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 11**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 78, Section 376.771, Line 11, by striking the words "**age bracket**" and inserting in lieu thereof the words "**full demographics, health status, claim experience**"; and

Further amend said section, page 78, lines 8-9, by striking said lines; and

Further amend said section, page 78, lines 13 - 16, by striking said lines and inserting in lieu thereof the following: **"(3) "Block of business", all the individuals insured under the same health benefit plan;"**; and

Further amend said bill, page 82, section 376.771, lines 18-21, by striking all of said lines; and

Further amend said bill, page 82, section 376.771, line 3, by inserting after the period"." the following: **"No premium shall be adjusted more than thirty-five percent based on demographics, health status or claim experience. No premium shall be adjusted due to demographic, health status or claim experience on renewal."**

Representative Patek moved that **House Substitute Amendment No. 1 for House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 043

Akin Auer Backer Ballard Barnett

Bartelsmeyer Bartle Bennett Blunt Boatright

Burton Chrismer Crawford Elliott Evans

Foster Gross Gunn Hanaway Hendrickson

Hohulin Holand Howerton Kelley 47 King

Klindt Linton Lograsso Loudon Luetkemeyer

Marble Murphy Myers Patek Pouche

Purgason Richardson Ridgeway Scott Surface

Townley Vogel Wright

NOES: 105

Abel Alter Barry 100 Berkstresser Black

Bonner Boykins Bray 84 Britt Campbell

Carter Champion Clayton Cooper Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Farnen Fitzwater Foley Ford

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Griesheimer Hagan-Harrell Harlan Hartzler 123 Hegeman

Hickey Hilgemann Hoppe Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Legan Levin Liese Long Luetkenhaus

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Ransdall Reid Reinhart

Relford Reynolds Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Thompson 37 Thompson 72 Treadway

Troupe Tudor Van Zandt Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Berkowitz Boucher Cierpiot Enz Green

Hampton Hartzler 124 Hollingsworth Hosmer Kasten

Leake Pryor Secrest

VACANCIES: 002

Representative Scott moved that **House Amendment No. 11** be adopted.

Which motion was defeated.

Representative Harlan offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 42, Section 379.930, Lines 23 and 24, by striking all underlined language that appears after "." on line 23; and

Further amend said bill and section, page 43, lines 1-7 of said page, by striking all of said lines.

On motion of Representative Harlan, **House Amendment No. 12** was adopted.

Representative Harlan offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Section 376.773.2, Page 91, Line 12, by inserting after the word "vision", the following:

**"specified disease, fixed indemnity"; and**

Further amend said bill, Section 376.773.2, Page 90, Line 21, by inserting after the word "services" the following:

**"except that the word "insurance" shall not include any insurance company issuing or writing accident-only, credit, dental, vision, specified disease, fixed indemnity, Medicare supplement, long-term care or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation insurance or similar insurance or automobile medical payments insurance."**

On motion of Representative Harlan, **House Amendment No. 13** was adopted.

Representative Harlan offered **House Amendment No. 14**.

*House Amendment No. 14*



AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Pages 71-73, Sections 379.944 and 379.948, by deleting all of sections 379.944 and 379.948.

On motion of Representative Harlan, **House Amendment No. 14** was adopted.

Representative Harlan offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 87, Section 376, Line 21, by inserting immediately after said line the following:

**"Members of the association with individual enrollment representing at least two percent of the member's total commercial health insurance premiums and payments for subscriber contracts received in Missouri during the preceding calendar year and who continue to enroll individuals after July 1, 2000, shall be assessed at a level that is one-half of the assessment level established for members of the association without individual enrollment representing at least two percent of the respective member's total commercial health insurance premiums and payments for subscriber contracts received in Missouri during the preceding calendar year."**

On motion of Representative Harlan, **House Amendment No. 15** was adopted.

Representative Loudon offered **House Amendment No. 16**.

Representative Harlan raised a point of order that **House Amendment No. 16** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Reid offered **House Amendment No. 16**.

Representative Monaco raised a point of order that **House Amendment No. 16** amends previously amended material.

Representative Monaco raised an additional point of order that **House Amendment No. 16** violates the constitutional prohibition of binding a future legislative body.

The Chair ruled the first point of order well taken.

The Chair ruled the second point of order not well taken.

Representative Reid offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 78, Section 1, Line 1, by inserting immediately after said line the following:

**"Section 2. 2. For all taxable years beginning after December 31, 2004, a resident individual may deduct from such individual's Missouri adjusted gross income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal adjusted gross income and to the extent such amount is not otherwise deductible from the individual's Missouri adjusted gross income pursuant to Missouri law. The director of revenue may require any documentation necessary to verify the deduction of the taxpayer.";** and

Further amend the title and enacting clause accordingly.

Representative Harlan raised a point of order that **House Amendment No. 16** amends previously amended material and is dilatory.

The Chair ruled the point of order not well taken.

Representative Reid moved that **House Amendment No. 16** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Akin Alter Ballard Barnett Bartelsmeyer  
Bennett Berkstresser Black Blunt Boatright  
Burton Champion Chrismer Cooper Crawford  
Elliott Evans Foster Gaskill Gibbons  
Graham 106 Gross Hanaway Hartzler 123 Hegeman  
Hendrickson Hohulin Holand Howerton King  
Klindt Legan Levin Lograsso Loudon  
Luetkemeyer Marble McClelland Merideth Myers  
Naeger Nordwald Ostmann Patek Pouche  
Purgason Reid Reinhart Reynolds Richardson  
Ridgeway Robirds Sallee Schwab Scott  
Shields Stokan Summers Surface Townley  
Vogel Wagner Ward Wright

NOES: 075

Abel Auer Backer Barry 100 Boykins  
Bray 84 Britt Campbell Carter Clayton  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Froelker Gambaro  
George Graham 24 Gratz Griesheimer Gunn  
Hagan-Harrell Harlan Hickey Hilgemann Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Liese May 108 Mays 50 McBride  
McKenna McLuckie Miller Monaco Murphy  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 022

Bartle Berkowitz Bonner Boucher Cierpiot

Enz Green Hampton Hartzler 124 Hollingsworth

Hoppe Hosmer Kasten Kelley 47 Leake

Linton Long Luetkenhaus Pryor Rizzo

Ross Secrest

VACANCIES: 002

Representative Loudon offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 718, 225, 876 & 838, Page 95, Section 376.775, Line 24, by adding after "relating to a":

(a) A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the twelve months immediately preceding the effective date of coverage;

(b) A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the twelve months immediately preceding the effective date of coverage; or

(c) a pregnancy existing on the effective date of coverage; and

Further delete on Page 96 all of said Lines 1 through 4.

Representative Loudon moved that **House Amendment No. 17** be adopted.

Which motion was defeated by the following vote:

AYES: 030

Akin Ballard Bartelsmeyer Bennett Boatright

Burton Chrismer Elliott Foster Hendrickson

Hohulin Holand Howerton King Lograsso

Long Loudon Luetkemeyer Marble Murphy

Myers Naeger Patek Reid Richardson

Ridgeway Scott Summers Surface Townley

NOES: 108

Abel Alter Auer Backer Barnett

Barry 100 Berkstresser Black Blunt Boykins

Bray 84 Britt Campbell Carter Champion

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Evans Farnen Fitzwater Foley Ford

Franklin Fraser Froelker Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hanaway Harlan  
Hartzler 123 Hegeman Hickey Hilgemann Kelly 27  
Kennedy Kissell Klindt Koller Kreider  
Lakin Lawson Levin Liese May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Purgason Ransdall Reinhart Relford  
Reynolds Robirds Sallee Scheve Schilling  
Schwab Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 023

Bartle Berkowitz Bonner Boucher Cierpiot  
Enz Gibbons Gross Hampton Hartzler 124  
Hollingsworth Hoppe Hosmer Kasten Kelley 47  
Leake Legan Linton Luetkenhaus Pryor  
Rizzo Ross Secrest

VACANCIES: 002

On motion of Representative Harlan, **HS HCS HBs 718, 225, 876 & 838, as amended**, was adopted.

On motion of Representative Harlan, **HS HCS HBs 718, 225, 876 & 838, as amended**, was ordered perfected and printed.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HB 700** - Fiscal Review (Fiscal Note)

#### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 18** - Critical Issues

#### **COMMITTEE REPORTS**



**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 199** and **HB 857**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 13**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 17, Page 3, Section 17.055, Line 4, by inserting after the word Coliseum the words ", Woman's Building".

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HR 502**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 502

WHEREAS, domestic violence has a broad impact on the women, men and children of our society because it can occur at anytime and anywhere, regardless of age, economic status, or cultural background; and

WHEREAS, domestic violence is a pattern of coercive behavior that may include physical, sexual, economic, emotional and psychological abuse which has the goal of establishing and maintaining power and control; and

WHEREAS, although public awareness about domestic violence has increased dramatically over the past decade, it continues to be underreported and misunderstood; and

WHEREAS, each month nearly ten thousand victims of domestic violence, their families and friends across the United States receive crisis intervention, referrals, information and support:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives, Ninetieth General Assembly, First Regular Session, that an interim committee of the General Assembly be created to be composed of nine members of the House, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the Ninetieth and the Ninety-first General Assemblies; and

BE IT FURTHER RESOLVED that said committee make a comprehensive study on domestic violence, including the solicitation of domestic violence information from various groups and the public, the gathering of statistical evidence on domestic violence, a list of sectors of our society that are affected by domestic violence, and the social, economic, legal, educational and health implications of domestic violence; and

BE IT FURTHER RESOLVED that said committee shall have the authority to appoint a subcommittee comprised of Missouri residents with experience and expertise in areas related to domestic violence to assist said committee in its duties; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, and House Research provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel

assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the House Contingent Fund.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 271**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 321**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 329**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 200**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 837 & HB 667**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HCR 28**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### House Concurrent Resolution No. 28

Relating to a joint interim committee on funding of the hazardous waste fund and the hazardous waste remedial fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the safe generation, transfer, storage and disposal of hazardous waste is vital to the well-being of the state of Missouri; and

WHEREAS, emergency response to hazardous substance spills and releases, maintenance of contaminated real estate through the hazardous waste registry system, and participation in state and federal cleanups of sites contaminated by hazardous wastes is necessary to protect the health of Missouri's citizens and environment; and

WHEREAS, the Hazardous Waste Fund and the Hazardous Waste Remedial Fund are the primary means of funding the above mentioned activities, and with the balances of these funds falling and in danger of potentially not being able to adequately support necessary services in the future; and

WHEREAS, the hazardous waste generation, transfer, storage and disposal industries which contribute to the Hazardous Waste Fund and Hazardous Waste Remedial Fund enhance the economic well-being of the state of Missouri; and

WHEREAS, the fees imposed on the hazardous waste generation, transfer, storage and disposal industries should be fair and equitable; and

WHEREAS, the Department of Natural Resources and the industry have been unable to reach an agreement as to how to adequately fund the Hazardous Waste Fund and Hazardous Waste Remediation Fund; and

WHEREAS, an in-depth study needs to be conducted to determine what measures need to be taken to ensure that the Hazardous Waste Fund and Hazardous Waste Remedial Fund are sufficient to meet the obligations and provide the required services to the public, environment and the hazardous waste generation, transfer, storage and disposal industries:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that the committee conduct an in-depth study and make appropriate recommendations concerning appropriate funding of the Hazardous Waste Fund and the Hazardous Waste Remedial Fund, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the First Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research, and House Research provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 787**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 353**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 479**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **SB 28**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 28, Page 1, In the title, Line 2, by deleting the following: "section 537.620," and inserting in lieu thereof the following: "sections 537.620 and 537.635,;" and

Further amend said bill, Page 1, In the title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section A. Sections 537.620 and 537.635, RSMo 1994, are repealed and two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the following: "section 537.620," and inserting in lieu thereof the following: "sections 537.620 and 537.635,;" and

Further amend said bill, Page 1, Section 537.620, Line 8, by inserting after all of said line the following:

"537.635. The association may, on the seventh day thereafter, commence to do business. The association shall be a body corporate, and shall do business as a corporation. No member of the association shall be liable for any amounts because of his **or her** membership in the association other than his **or her** assessments as provided in the articles of association and the bylaws of the association. The business of the association shall be conducted so as to preclude any distribution of income, profit or property of the association to the individual members thereof except in payment of claims or indemnities or upon the final dissolution of the association, **but the association may pay dividends to its members as long as the association has a positive surplus both before and after any such dividend is declared.**".

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:



Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **HB 953** and **HB 1007**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HJR 38**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 152**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 414**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 414, Page 6, Section 142.875, Line 27, by inserting immediately thereafter the following language in 142.896.1(3)

If a distributor qualifies under subsection 3 of section 142.851, and was not required to have a bond posted under the predecessor act, then such distributor may elect to either post the bond as set out in this subsection or participate in a cash bond as set out below. The cash bond shall be held by the director in a "Motor Fuel Bond Trust Fund", which is hereby created, for the benefit of the participating distributors. The bond shall be used solely for the purpose of preventing a loss to the state for motor fuel taxes, surcharges and fees not paid. No distributor shall have any claim or fights against the fund as a separate person. Contributions to the fund will be made at the rate [of one-fourth of one percent of the prevailing motor fuel tax rate until such fund equals one-fourth of one percent of the prior year's motor fuel tax collections] **as defined in regulations set by the Director of Revenue**. Contributions will be remitted by the participating distributors through the suppliers under the same procedures as set out for remitting of motor fuel taxes set out in this chapter. The director shall notify the suppliers of which distributors have elected to participate, when the contributions are required and when the fund has reached its maximum. At that time no further contributions will be required until the fund has been depleted to [one-eighth of one percent of prior year's motor fuel tax collections] **the minimum amount established by regulation**, at which time the director shall notify the distributors and suppliers to resume contributions at the [above] rate **as defined by regulation**. In the event the director has made a demand for payment from a participating distributor in this fund, and such demand has not been satisfied within ninety days, the director shall use the cash bond to satisfy the delinquency. Such action shall not affect the liability of the distributor for the tax or prevent the director from taking other actions permitted by this chapter.

And inserting immediately after 142.908 on page 7 on House Bill No. 680, the following 3 sections:

**142.955. The director or any person designated by the director may, in the enforcement of this chapter, conduct investigations he or she deems necessary.**

**142.957. The director may prescribe the forms upon which reports are made to the director and other forms and information the director deems necessary in the enforcement of this chapter, and may require periodic submission of information from any person dealing in, transporting or storing motor fuel.**

**142.960. A person who violates any provision of this chapter, including, but not limited to, the failure to obtain required licenses or permits, or fails to keep records as prescribed herein, or neglects, fails or refuses to allow the director, his or her authorized agents or the Missouri Highway Patrol to inspect an item of equipment or records, or who fails, neglects or refuses to pay the tax due is guilty of a misdemeanor and may be punished as prescribed as prescribed by law. Any person who violates any of the provisions of this section, with the purpose to defraud, is guilty of a class D felony.**

#### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1055**, introduced by Representative Kreider, relating to individual income tax.

**HB 1056**, introduced by Representative Kreider, relating to registration and licensing of motor vehicles.

#### **MESSAGE FROM THE GOVERNOR**



EXECUTIVE OFFICE

State of Missouri

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
FIRST REGULAR SESSION  
NINETIETH GENERAL ASSEMBLY  
STATE OF MISSOURI

Herewith I return to you Conference Committee Substistute for House Bill No. 14 entitled:

**"AN ACT"**

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

On April 7, 1999, I approved said Conference Committee Substitute for House Bill No. 14.

Respectfully submitted

/s/ Mel Carnahan

Governor

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, April 8, 1999.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-seventh Day, Tuesday, April 6, 1999, pages 1044 and 1045, roll call, by showing Representatives Purgason and Richardson voting "aye" rather than "absent with leave".

Page 1046, roll call, by showing Representatives Barry, Blunt, Hickey, Hoppe, Kelley (47), Kreider, Levin, Merideth, O'Connor, Richardson and Ladd Stokan voting "aye" rather than "absent with leave".

Page 1047, roll call, by showing Representatives Liese and Ridgeway voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

**AGRI-BUSINESS**

Monday, April 12, 1999, 8:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 403, SB 95, SB 391, SB 423

**BUDGET**

Thursday, April 8, 1999, 8:00 am. Hearing Room 6. Executive session on previously heard bills. AMENDED

## BUDGET

Thursday, April 8, 1999. Hearing Room 6 upon morning adjournment.

Executive session on previously heard bills if needed.

## COMMERCE

Monday, April 12, 1999, 3:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 37, SB 518

## EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 13, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 567, SB 289, SB 399

## ENVIRONMENT AND ENERGY

Monday, April 12, 1999, 3:00 pm. Hearing Room 8.

To be considered - SB 207, SB 426

## FISCAL REVIEW

Thursday, April 8, 1999, 8:30 am. Hearing Room 1. Executive session.

To be considered - HB 115, HB 701, HB 793

## INSURANCE

Tuesday, April 13, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

To be considered - HB 1002, HB 1020

## JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, April 8, 1999. Hearing Room 7 upon morning adjournment. Closed meeting within the meaning of Chapter 610, RSMo.

## JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, April 8, 1999, 8:00 am. Hearing Room 9. Contested fiscal notes.

To be considered - HB 793, SB 295

## JOINT COMMITTEE ON WETLANDS

Thursday, April 8, 1999, 8:30 am. Hearing Room 7. Update and informational meeting. Reps. from MO Dept. Conservation in attendance.

## JUDICIARY

Thursday, April 8, 1999, 9:30 am. Hearing Room 9.

To be considered - Executive Session - SB 142, Executive Session - SB 170, Executive Session - SB 278, Executive Session - SB 295

## LABOR

Thursday, April 8, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 234

#### MUNICIPAL CORPORATIONS

Thursday, April 8, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 405

#### PROFESSIONAL REGISTRATION & LICENSING

Monday, April 12, 1999, 3:00 pm. Hearing Room 5. Executive session.

To be considered - SB 244, SB 325, SB 362

#### PUBLIC HEALTH

Thursday, April 8, 1999, 9:30 am. Side gallery. Executive session.

#### UTILITIES REGULATION

Thursday, April 8, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - HB 900, SB 201

### HOUSE CALENDAR

FORTY-NINTH DAY, THURSDAY, APRIL 8, 1999

#### HOUSE BILLS FOR SECOND READING

HB 1055 and HB 1056

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HCS JR 26 - Crump

2 HJR 20, HCA 1 - Gratz

#### HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

1 HCS HB 13 - Franklin

2 HB 17, HCA 1 - Franklin

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341,  
619, 62 & 579 - Hosmer

2 HCS HB 430 & 648 - McLuckie

3 HB 277 - Carter

4 HB 971 - Shelton

5 HCS HB 180 - Hoppe

6 HCS HB 192 & 945 - Davis (122)

7 HCS HB 723 - Koller

8 HCS HB 780 - Van Zandt

9 HCS HB 673 - Kissell

10 HCS HB 643, 710 & 711 - Bray

11 HB 952 - Koller

12 HCS HB 599 - Gunn

13 HB 133 - Crump

14 HCS HB 769 - Bray

15 HB 120 - Kreider

16 HCS HB 934 - Treadway

17 HCS HB 456 - Fitzwater

18 HB 856 - Ford

19 HCS HB 640 - Campbell

20 HCS HB 354 - Barry

21 HCS HB 709 - Leake

22 HB 844 - Gratz

23 HB 519 - Relford

24 HCS HB 535 - May (108)

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

#### **HOUSE BILLS FOR PERFECTION - CONSENT**

(March 31, 1999)

1 HB 1045 - Kennedy

2 HB 472 - Nordwald

(April 1, 1999)

3 HB 763 - O'Toole

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen

4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HCS HB 793, (Fiscal Review 4-1-99) - Treadway

3 HS HCS HB 701, (Fiscal Review 4-6-99) - Rizzo



- 4 HB 115, (Fiscal Review 4-6-99) - Kreider
- 5 HS HCS HB 441 - Riback Wilson
- 6 HS HB 700, E.C., (Fiscal Review 4-7-99) - Mays (50)
- 7 HS HCS HB 460 - O'Toole
- 8 HCS HB 814, E.C. - Smith

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 199 - Ridgeway
- 2 HB 857 - Monaco

#### **SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 169, HCA 1 - Boucher
- 2 SB 188 - Smith
- 3 SB 184 - Scheve
- 4 HCS SCS SB 275, E.C. - Hosmer
- 5 SB 237 - Hosmer

(April 6, 1999)

- 6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

(April 7, 1999)

- 7 SB 10, HCA 1 - McKenna
- 8 SB 268 - Koller
- 9 SB 189 - Smith
- 10 SB 213 - Crump
- 11 SB 112 - Smith
- 12 SB 17, HCA 1 - Koller

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTIONS**

- 1 HR 66, (3-31-99, pgs. 1016 & 1017) - Green
- 2 HR 200, (3-31-99, pgs. 1017 & 1018) - Williams (121)
- 3 HR 49, (3-31-99, pg. 1016) - Farnen



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FORTY-NINTH DAY, Thursday, April 8, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Walter Simpson, First Christian Church of Eldon.

O God, before whose face all nations rise and fall, and by whose will and governments govern. We humbly bow before You today, acknowledging our total dependance upon You.

Out of chaos You brought forth order and created the world. In Your infinite wisdom, You so patterned the disarray in such a way that life appeared and developed. Your presence maintains and sustains that life. Make us aware in our arrogance, that we are dependent on You.

By egotism, our world is filled with chaos and confusion. Bring order out of the chaos, even as You did in creation. Our national life is full of chaos and cynicism, build harmony and integrity within our land even as You built a world of harmony and integrity in creation.

Where confusion overtakes our state, let it be replaced with harmony, even as confusion was crowded out by clarity and continuity in creation.

In this body of men and women of good will, replace differences with consensus, and the resolve to provide the highest good for those who live under their care, even as in creation You gave us the highest good.

We will praise You by world and action. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sierra Helm, Nathan Bacon, Ali Brown, Tamala Watkins, Frances Terry, Danielle Elliott, Alex Bishop, David C. DeSplinter, Adam M. DeSplinter, Megan Gross, Kevin Sundermann, Caitlin Higgins, Jordan Masonbrink, Stephen Thomson, Stuart Kemper, Nichole Hill, Josh Schieber, Jacob Heflin, Paige Winfield, Daniel Winfield, Amy Winfield, Hannah Winfield, Paul Winfield, Benjamin Winfield, Emily Winfield and Mark Karnes.

The Journal of the forty-eighth day was approved as corrected by the following vote:

AYES: 140

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Berkowitz Berkstresser

Black Boatright Bonner Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Cooper Crawford  
Crump Daniel 42 Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Gross Hagan-Harrell Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Linton Lograsso Long Loudon  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Monaco  
Murphy Murray Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 012

Backer Blunt Gunn Hampton Hanaway  
King Liese Luetkemeyer Miller Myers  
Selby Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartle Bennett Boucher Enz Griesheimer  
Hartzler 124 Hohulin Pryor Secrest

VACANCIES: 002

**HOUSE COURTESY RESOLUTION OFFERED**

House Resolution No. 725 - Representatives Kasten and Backer

#### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 723 - Representative Gaw

House Resolution No. 724 - Representative Gratz

House Resolution No. 726 - Representative Blunt

House Resolution No. 727 through House Resolution No. 730 - Representative Pouche

House Resolution No. 731 - Representative Sallee

House Resolution No. 732 and House Resolution No. 733 - Representative Crawford

House Resolution No. 734 - Representative Monaco

House Resolution No. 735 - Representative Overschmidt

House Resolution No. 736 - Representatives Auer and O'Toole

House Resolution No. 737 - Representatives Champion and Bartelsmeyer

House Resolution No. 738 - Representative Relford

House Resolution No. 739 - Representatives Bennett, Dolan, Ostmann, Chrismer and Kissell

House Resolution No. 740 and House Resolution No. 741 - Representative Purgason

House Resolution No. 742 - Representatives Kreider and Koller

House Resolution No. 743 - Representative Luetkemeyer

House Resolution No. 744 - Representative Kelley (47)

#### SECOND READING OF HOUSE BILLS

**HB 1055** and **HB 1056** were read the second time.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 153**.

#### COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 153**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 115 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 701 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 793 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.



### THIRD READING OF HOUSE BILLS - CONSENT

**HB 199**, relating to child counseling, was taken up by Representative Ridgeway.

On motion of Representative Ridgeway, **HB 199** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hendrickson Hickey Hilgemann Hohulin Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 001

Gunn

PRESENT: 000

ABSENT WITH LEAVE: 008

Ballard Berkstresser Boucher Enz Hartzler 124

Holand Pryor Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

**HB 857**, relating to exemption from attachment for Roth IRAs, was taken up by Representative Monaco.

On motion of Representative Monaco, **HB 857** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dolan

Dougherty Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Kelly 27

PRESENT: 000

ABSENT WITH LEAVE: 007

Boucher Elliott Enz Hartzler 124 Pryor  
Secrest Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

Representative Luetkenhaus assumed the Chair.

### THIRD READING OF HOUSE BILLS

**HS HCS HB 793**, relating to gaming, was taken up by Representative Treadway.

On motion of Representative Treadway, **HS HCS HB 793** was read the third time and passed by the following vote:

AYES: 113

Abel Auer Backer Barry 100 Bennett  
Berkowitz Black Bonner Boykins Bray 84  
Britt Burton Campbell Carter Clayton  
Cooper Crump Daniel 42 Davis 122 Davis 63

Days Dolan Dougherty Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Gambaro George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Harlan Hartzler 123 Hegeman Hickey  
Hohulin Hollingsworth Hoppe Howerton Kasten  
Kelly 27 Kennedy King Kissell Koller  
Kreider Lakin Lawson Leake Legan  
Liese Lograsso Long Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Ransdall  
Relford Reynolds Richardson Ridgeway Rizzo  
Ross Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 043

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkstresser Blunt Boatright Champion  
Chrismer Cierpiot Crawford Elliott Froelker  
Gaskill Gross Hampton Hanaway Hendrickson  
Hilgemann Holand Hosmer Kelley 47 Klindt  
Levin Linton Loudon Marble McClelland  
Miller Purgason Reid Reinhart Robirds  
Sallee Scott Smith Stokan Summers  
Surface Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Boucher Enz Hartzler 124 Pryor Secrest

VACANCIES: 002

Representative Luetkenhaus declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.



Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 701**, relating to enterprise zones, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HS HCS HB 701** was read the third time and passed by the following vote:

AYES: 141

Abel Alter Auer Backer Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Blunt Boatright Bonner Boykins

Bray 84 Britt Burton Campbell Carter

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lawson Leake Legan Liese

Lograsso Long Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 159 Wilson Wright

Mr. Speaker

NOES: 008

Akin Ballard Gibbons Linton Loudon

Murphy Patek Selby

PRESENT: 000

ABSENT WITH LEAVE: 012

Black Boucher Champion Enz Hartzler 124

Lakin Levin Naeger Pryor Richardson

Secrest Williams 121

VACANCIES: 002

Representative Luetkenhaus declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative George moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

#### **SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HB 153** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 153** was delivered to the Governor by the Chief Clerk of the House.

Representative Luetkenhaus resumed the Chair.

#### **THIRD READING OF HOUSE BILLS**

**HB 115**, relating to income tax credit for ADA improvements, was taken up by Representative Kreider.

On motion of Representative Kreider, **HB 115** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Reynolds Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Boucher Champion Enz Hartzler 124 Lakin

Loudon Pryor Richardson Secrest Shields

Williams 121

VACANCIES: 002

Representative Luetkenhaus declared the bill passed.

On motion of Representative Thompson (72), title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Shelton moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 441**, relating to employment information, was taken up by Representative Riback Wilson.

On motion of Representative Riback Wilson, **HS HCS HB 441** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reinhart Relford

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Reid



PRESENT: 000

ABSENT WITH LEAVE: 010

Boucher Champion Enz Froelker Hartzler 124

Howerton Lakin Pryor Richardson Secrest

VACANCIES: 002

Representative Luetkenhaus declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 460**, relating to testing for communicable diseases, was taken up by Representative O'Toole.

Representative O'Toole offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 460, Page 1, Section 191.660, Line 2, by deleting the following:

**"blood-born",**

and inserting in lieu thereof the following:

**"blood-borne"; and**

Further amend House Substitute for House Committee Substitute for House Bill No. 460, Page 1, Section 191.660, Line 5, by deleting the following:

**"blood-born",**

and inserting in lieu thereof the following:

**"blood-borne".**

On motion of Representative O'Toole, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative O'Toole, **HS HCS HB 460, as amended**, was read the third time and passed by the following vote:

AYES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boykins Britt Burton  
Campbell Carter Chrismer Cierpiot Clayton  
Crawford Crump Daniel 42 Davis 122 Davis 63  
Dolan Dougherty Elliott Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Graham 106 Graham 24 Gratz Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Kreider Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wright Mr. Speaker

NOES: 010

Bray 84 Days Gibbons Harlan Kelly 27  
McClelland Nordwald Schilling Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 011

Boucher Champion Cooper Enz Green  
Hartzler 124 Lakin Patek Pryor Richardson  
Secrest

VACANCIES: 002

Representative Luetkenhaus declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Mays (50) moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HCS HB 814**, relating to tobacco settlement model statute, was taken up by Representative Smith.

On motion of Representative Smith, **HCS HB 814** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Crawford Crump Daniel 42 Davis 122

Davis 63 Days Dolan Dougherty Elliott

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Leake Legan Levin

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Ransdall Reid Reinhart

Relford Reynolds Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 003

Evans Hohulin Purgason

PRESENT: 000

ABSENT WITH LEAVE: 012

Boucher Champion Cooper Enz Green

Hartzler 124 Lawson Liese Lograsso Pryor

Richardson Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 142

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Cierpiot Clayton Crawford

Crump Daniel 42 Davis 122 Davis 63 Days

Dolan Dougherty Elliott Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Linton Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann



Overschmidt Parker Patek Pouche Ransdall  
Reid Reinhart Relford Reynolds Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 008

Akin Chrismer Evans Hohulin Howerton  
Lograsso Purgason Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 011

Boucher Champion Cooper Enz Green  
Hartzler 124 Lawson Liese Pryor Richardson  
Secrest

VACANCIES: 002

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Fraser moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

#### **PERFECTION OF HOUSE BILLS**

**HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579**, relating to crimes and punishment, was placed on the Informal Calendar.

**HCS HBs 430 & 648**, relating to Missouri Tobacco Settlement Trust Fund, was placed on the Informal Calendar.

**HB 277**, relating to insurance coverage, was taken up by Representative Carter.

Representative Campbell offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 277, Page 1, Section 1, Line 11, by inserting after all of said line the following:

**"Section 1. Beginning July 1, 2000, in response to all original applications for a policy pursuant to subdivision (4) of section 375.001, RSMo, and any such policy renewed from July 1, 2000, to June 30, 2001, the insurer shall provide information to the applicant or policyholder regarding the availability of insurance for loss caused by storm-sewer backup or sanitary sewer backup.";** and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Campbell, **House Amendment No. 1** was adopted.

Speaker Gaw resumed the Chair.

Representative Abel offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Bill No. 277, Page 1, Section 1, Lines 4-5, by deleting "or homeowner's".

**HB 277, as amended, with House Amendment No. 2, pending,** was laid over.

**HB 971**, relating to St. Louis airport expansion, was taken up by Representative Shelton.

Representative Shelton offered **HS HB 971**.

Representative Hickey offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 971, Page 3, Section 305.200, line 15, by deleting "**inhabitants.**" and inserting in lieu thereof the following:

**"inhabitants; provided however, that this exception shall expire upon the completion or operation of such construction, reconstruction or expansion."**

Representative Auer offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 971, Page 3, Section 305.200, Line 15, by deleting "inhabitants." and inserting in lieu thereof the following:

**"inhabitants; provided however, that this exception shall expire upon the completion of the construction, reconstruction or expansion of runways, terminals, concourses."**

On motion of Representative Auer, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Kissell offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 971, Page 3, Section 305.200, Line 15 of said page, by inserting after all of said line the following:

"4. Any airport owned by a city not within a county, regardless of whether such airport is located within such city, shall not undertake any expansion without entering into a valid contract with any city located within ten miles of such airport. Such contract shall state acceptable limits for noise levels from approaching and departing aircraft and other agreeable parameters and shall state agreed penalties for violations of the agreement that shall constitute legally binding provisions of such contract. If the parties to any contract provided by this subsection do not agree, such parties shall submit the dispute, within a reasonable time, to binding arbitration as provided in chapter 435, RSMo."

Representative Shelton raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Kissell moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 018

Barnett Bennett Chrismer Dolan Evans

Gross Hendrickson Hickey Holand Hoppe

Kissell Liese Loudon Luetkemeyer Luetkenhaus

O'Connor Ostmann Reid

NOES: 130

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner

Bray 84 Britt Burton Campbell Carter

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 122 Davis 63 Days Dougherty

Elliott Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hilgemann Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Linton Lograsso Long Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Toole

Overschmidt Parker Pouche Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Boucher Boykins Champion Enz Hartzler 124

Hohulin Hollingsworth Patek Pryor Purgason

Secrest Surface Van Zandt

VACANCIES: 002

Representative Bennett offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 971, Page 3, Section 305.200, Line 15, by inserting after the word "**inhabitants.**" the following:

**"The provisions of this section shall not take effect unless and until a real-time study is conducted by the Federal Aviation Administration's Technical Center to evaluate the proposed expansion. The simulation must demonstrate that such expansion can be operated in a safe, orderly manner and achieve significant capacity improvements over other proposed expansion plans. The simulation shall be openly observed and monitored by the concerned parties who would have input into the test criteria and its evaluation."**

Representative Shelton raised a point of order that **House Amendment No. 3** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Bennett moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 012

Barnett Bennett Chrismer Dolan Evans

Gross Hickey Holand Kissell Luetkenhaus

Naeger Reid

NOES: 125

Abel Akin Alter Auer Barry 100

Bartle Berkowitz Berkstresser Black Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Cierpiot Cooper Crawford



Crump Davis 122 Davis 63 Days Dougherty  
Elliott Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hegeman  
Hendrickson Hilgemann Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Klindt Koller Lawson Leake Legan  
Levin Linton Lograsso Loudon Luetkemeyer  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Nordwald O'Connor  
O'Toole Overschmidt Pouche Ransdall Reinhart  
Relford Reynolds Richardson Ridgeway Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 001

Ostmann

ABSENT WITH LEAVE: 023

Backer Ballard Bartelsmeyer Blunt Boucher  
Champion Clayton Daniel 42 Enz Hartzler 124  
Hohulin Hollingsworth Kreider Lakin Liese  
Long Parker Patek Pryor Purgason  
Secrest Surface Van Zandt

VACANCIES: 002

Representative Gross offered **House Amendment No. 4.**

Representative Shelton raised a point of order that **House Amendment No. 4** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Loudon offered **House Amendment No. 4.**

Representative Shelton raised a point of order that **House Amendment No. 4** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Shelton, **HS HB 971, as amended**, was adopted by the following vote:

AYES: 115

Akin Alter Auer Backer Barry 100  
Bartelsmeyer Bartle Berkowitz Berkstresser Boatright  
Bonner Boykins Bray 84 Britt Burton  
Campbell Carter Cierpiot Cooper Crawford  
Crump Davis 122 Davis 63 Days Dougherty  
Elliott Farnen Fitzwater Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gunn Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hegeman Hilgemann Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy Klindt Koller Lakin Lawson  
Leake Legan Levin Linton Lograsso  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Naeger O'Toole Overschmidt  
Parker Ransdall Reinhart Relford Reynolds  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Summers Thompson 72 Townley Treadway Troupe  
Tudor Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 019

Barnett Bennett Black Chrismer Dolan  
Evans Gross Hendrickson Hickey Holand  
King Kissell Liese Loudon Luetkemeyer  
Luetkenhaus O'Connor Pouche Reid

PRESENT: 001

Ostmann

ABSENT WITH LEAVE: 026

Abel Ballard Blunt Boucher Champion

Clayton Daniel 42 Enz Foley Harlan

Hartzler 124 Hohulin Hollingsworth Kreider Long

Myers Nordwald Patek Pryor Purgason

Richardson Secrest Smith Surface Thompson 37

Van Zandt

VACANCIES: 002

On motion of Representative Shelton, **HS HB 971, as amended**, was ordered perfected and printed.

### HOUSE RESOLUTION

**HR 725**, honoring Representative Bonnie Sue Cooper, was taken up by Representative Kasten and read.

House Resolution No. 725

WHEREAS, the Missouri House of Representatives is losing the service, experience, and expertise of an outstanding member with the resignation of the Honorable Bonnie Sue Cooper, State Representative from District No. 32; and

WHEREAS, Representative Cooper is leaving her duties and responsibilities at the state capitol in Jefferson City in order to assume her new role as a member of the Kansas City City Council, Second District at Large; and

WHEREAS, Bonnie Sue Cooper's election to the Kansas City City Council on Tuesday, March 30, 1999, marked another milestone in a long and illustrious career of public service that began seventeen years ago; and

WHEREAS, Bonnie Sue Cooper was initially elected to the Missouri House of Representatives in 1982 and was re-elected to serve as state legislator from Kansas City for eight consecutive terms; and

WHEREAS, an individual deeply committed to the cause of good government, Representative Cooper earned the trust, admiration, and respect of many for her tireless work to improve the overall quality of life for all citizens as a member of such important committees as Appropriations-Natural and Economic Resources; Banks and Financial Institutions; Budget; and Commerce; and

WHEREAS, listed in **Who's Who in Government**, Bonnie Sue Cooper has been lauded for her achievements as president of the National Order of Women Legislators, as chair of the National Task Force on Substance Abuse and the National Foundation of Women Legislators, as National Chair of the American Legislative Exchange Council, and as a member of the Federation of Republican Women, the Centers for Advanced Technology Oversight Committee, and the Committee on Management and Productivity (COMAP):

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously in expressing appreciation to our dear colleague, Bonnie Sue Cooper, for her invaluable service over the years and in extending to her hearty congratulations and best wishes as she proudly assumes her new duties on the Kansas City City Council; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Bonnie Sue Cooper, as a mark of our esteem for her.

On motion of Representative Kasten, Rule 63 was suspended and **HR 725** was adopted by unanimous consent.

### COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 472** and **HB 1045**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HCR 29**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute

for

House Concurrent Resolution No. 29

Relating to the Packers and Stockyards Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the agricultural markets of the United States are largely controlled by the corporate entities engaged in the processing, handling and marketing of grains and livestock; and

WHEREAS, four companies process nearly fifty percent of the pork produced for retail sale in the United States and four companies produce nearly ninety percent of the beef produced for retail sale in the United States; and

WHEREAS, the pending purchase of the grain unit of Continental Grain Company by Cargill Inc., will create an entity controlling in excess of forty percent of all United States corn exports, thirty-four percent of soybean exports and twenty percent of wheat exports; and

WHEREAS, this level of concentration is a significant factor in the low state of market prices for grain and livestock in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call upon the Congress of the United States to:

1. Investigate and publicize the degree of concentration in the livestock and grain processing industry in the United States and in Missouri;
2. Investigate the degree of which processing companies compete or fail to compete for supplies of livestock and grain from farmers, with particular attention to the question of whether these companies have created no-competition zones;
3. Provide sufficient personnel and resources for effective enforcement of the federal Packers and Stockyards Act by the United States Department of Agriculture;
4. Instruct the United States Department of Justice and the Attorney General of Missouri to work cooperatively on all investigations of anti-competitive practices by livestock and grain processors;
5. Instruct the United States Department of Justice and Attorney General of Missouri to investigate the use of packer procurement practices related to forward contracts, marketing agreements and other forms of captive supply, and determine whether these constitute violations of the Packers and Stockyards Act;
6. Institute and finance appropriate anti-trust litigation and prosecution to end and prevent anti-competitive practices in the livestock and grain processing industry; and
7. Financially support private causes of action that are directed at ending and preventing anti-competitive practices in the livestock and grain processing industry; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation, the United States Department of Agriculture, the United States Department of Justice and the Missouri Attorney General.

Mr. Speaker: Your Committee on Agriculture, to which was referred **SCR 16**, begs leave to report it has examined the same



and recommends that it **Do Pass**.

Senate Concurrent Resolution No. 16

WHEREAS, the Food Quality Protection Act of 1996 was signed into law on August 3, 1996, by President Clinton; and

WHEREAS, the Food Quality Protection Act establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

WHEREAS, the Food Quality Protection Act requires the Environmental Protection Agency to ensure that all pesticide tolerances meet these new Food Quality Protection Act standards by reassessing one-third of the 9,700 existing pesticide tolerances by August, 1999, and all existing tolerances in ten years; and

WHEREAS, the Food Quality Protection Act changes the types of information the Environmental Protection Agency is required to evaluate in the risk assessment process for establishing tolerances for pesticide residues in food and feed; and

WHEREAS, the Food Quality Protection Act was to assure that pesticide tolerances and policies are formulated in an open and transparent manner; and

WHEREAS, the Food Quality Protection Act further emphasizes the need for reliable information about the volume and types of pesticides being applied to individual crops and what residues can be anticipated on these crops; and

WHEREAS, risk estimates based on sound science and reliable, real-world data are essential to avoid misguided decisions, and the best way for the Environmental Protection Agency to obtain these data is to require data submission by the registrant through the data call-in process; and

WHEREAS, the implementation of the Food Quality Protection Act by the Environmental Protection Agency could have a profound negative impact on domestic agricultural production, and on consumer food prices and availability if products are removed from the market solely because of insufficient data; and

WHEREAS, the removal of these products will result in fewer pest control options for the United States and Missouri and could significantly disrupt successful integrated pest management programs which would be devastating to the economy of our state and jeopardize the very livelihood of many of our agricultural producers; and

WHEREAS, the removal of products because of a lack of information will result in fewer pest control options for urban and suburban uses, with potential losses of personal property, damage to valuable recreational areas and managed green space and increased human health concerns;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask that Congress direct the Environmental Protection Agency to immediately initiate appropriate public rulemaking to ensure that the policies, standards and procedures it intends to apply in reassessing existing pesticide tolerances are subject to public notice and comment prior to final tolerance determinations being made by the agency; and

BE IT FURTHER RESOLVED that the Environmental Protection Agency use sound science and real-world data from the data call-in process in establishing realistic models for evaluating risks; and

BE IT FURTHER RESOLVED that Congress direct the Environmental Protection Agency to implement the Food Quality Protection Act in a manner that will not disrupt agricultural production nor negatively impact the availability, diversity, and affordability of food, threaten public health or diminish the quality of valuable recreational areas and managed green spaces; and

BE IT FURTHER RESOLVED that Congress immediately conduct oversight hearings to ensure that actions by the Environmental Protection Agency are consistent with the Food Quality Protection Act provisions and Congressional intent; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation and to the administrator of the Environmental Protection Agency.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 85**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 425**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 806**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 1030**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 177**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Education - Higher**, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 563**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 749** and **HB 750**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HJR 30**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 297**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 345**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SCS SB 334**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 287**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 4** and **HJR 21**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **SB 15**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 302**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 278**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 447**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 691**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 194**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **SB 25**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Mr. Speaker: Your Committee on Public Health, to which was referred **SB 216**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Public Health, to which was referred **SB 261**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 410**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HB 449**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 671**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 59**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 59, Page 2, Section 143.121, Line 45, by inserting the words "**and local**" immediately after the word "**state**"; and

Further amend said bill, Page 3, Section 143.121, Line 11, by inserting a comma "," immediately after the number "143.121"; and

Further amend said bill, Page 4, Section 143.121, Line 43, by deleting all of said line and inserting in lieu thereof the following:



"beginning on or after January 1, 2002[:]."; and

Further amend said bill, Page 4, Section 143.121, Line 44, by inserting an opening bracket "[" immediately before the number "(1)"; and

Further amend said bill, Page 4, Section 143.121, Line 61, by inserting a closing bracket "]" immediately after the period ".".

#### COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representative Van Zandt is no longer Vice-Chair of the Motor Vehicle and Traffic Regulations Committee.

Representative Hilgemann has been appointed Vice-Chair of the Motor Vehicle and Traffic Regulations Committee.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 451**, entitled:

An act to repeal sections 590.100, 590.101, 590.110, 590.116, 590.117, 590.121, 590.130, 590.131, 590.150, 590.178 and 590.180, RSMo 1994, and sections 590.105, 590.115, 590.135 and 590.140, RSMo Supp. 1998, relating to public safety, and to enact in lieu thereof eighteen new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 506**, entitled:

An act to repeal sections 400.2-401, 400.2-402, 400.9-101, 400.9-102, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-201, 400.9-202, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-307, 400.9-308, 400.9-310, 400.9-311, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507 and 400.9-508, RSMo 1994, and sections 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-115, 400.9-116, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-309, 400.9-312, 400.9-313 and 400.9-402, RSMo Supp. 1998, relating to the uniform commercial code, and to enact in lieu thereof one hundred thirty-six new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

#### LETTER OF RESIGNATION

April 6, 1999

The Honorable Steve Gaw

Office of Speaker

Missouri House of Representatives

Capitol Building

Jefferson City, Mo 65101

Dear Mr. Speaker:

Please be advised that I will resign my House seat, District 32, on April 9, 1999, as I have been elected to the Kansas City



Council.

Sincerely,

/s/ Bonnie Sue Cooper

### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, April 12, 1999.

### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Forty-eighth Day, Wednesday, April 7, 1999, page 1076, lines 18 through 21, by deleting said lines, and inserting in lieu thereof the following:

"On motion of Representative Hagan-Harrell, **HCS HBs 736, 515 & 508, as amended**, was read the third time and passed by the following vote:"

Pages 1061 and 1062, roll call, by showing Representatives Luetkemeyer, Murphy and Selby voting "aye" rather than "absent with leave".

Pages 1062 and 1063, roll call, by showing Representative Patek voting "no" rather than "absent with leave".

Pages 1063 and 1064, roll call, by showing Representatives Barnett, Bennett, Blunt, Franklin, Hanaway, Hollingsworth, Kennedy, Kreider, Levin, Luetkenhaus, Naeger, O'Connor, Patek, Ross, Summers and Wagner voting "aye" rather than "absent with leave".

Pages 1064 and 1065, roll call, by showing Representative Days voting "no" rather than "aye".

Pages 1064 and 1065, roll call, by showing Representative Riback Wilson voting "no" rather than "absent with leave".

Pages 1064 and 1065, roll call, by showing Representatives Bennett, Barnett, Franklin, Gunn, Hollingsworth, Hoppe, Hosmer, Howerton, Levin, May (108), Merideth, Nordwald, O'Connor, Summers, Wagner and Ward voting "aye" rather than "absent with leave".

Pages 1065 and 1066, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Pages 1067 and 1068, roll call, by showing Representative Hollingsworth voting "aye" rather than "absent with leave".

Pages 1068 and 1069, roll call, by showing Representatives Hollingsworth and Hoppe voting "aye" rather than "absent with leave".

Pages 1069 and 1070, roll call, by showing Representatives Hollingsworth, Kennedy, Koller, May (108) and Patek voting "aye" rather than "absent with leave".

Pages 1071 and 1072, roll call, by showing Representatives Burton, Crawford, Kelly (27), McBride and Scott voting "aye" rather than "absent with leave".

Pages 1072 and 1073, roll call, by showing Representative Burton voting "aye" rather than "absent with leave".

Pages 1073 and 1074, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 1074, roll call, by showing Representative Loudon voting "aye" rather than "no".

Page 1074, roll call, by showing Representatives Barnett and Hosmer voting "aye" rather than "absent with leave".

Page 1074, roll call, by showing Representative Reynolds voting "no" rather than "absent with leave".

Page 1075, roll call, by showing Representatives Davis (122), Froelker, Hosmer, Kelly (27), Patek, Reinhart and Richardson voting "aye" rather than "absent with leave".

Pages 1076 and 1077, roll call, by showing Representatives Hosmer, Kennedy and Patek voting "aye" rather than "absent with leave".

Pages 1077 and 1078, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1078 and 1079, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Page 1080, roll call, by showing Representative Reynolds voting "aye" rather than "no".

Pages 1079 and 1080, roll call, by showing Representatives Froelker, Hosmer, Lograsso, McBride and Scott voting "aye" rather than "absent with leave".

Pages 1087 and 1088, roll call, by showing Representatives Hollingsworth and Hosmer voting "no" rather than "absent with leave".

Pages 1090 and 1091, roll call, by showing Representative Reynolds voting "no" rather than "aye".

Pages 1090 and 1091, roll call, by showing Representative Froelker voting "aye" rather than "no".

Pages 1090 and 1091, roll call, by showing Representatives Bartle and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1090 and 1091, roll call, by showing Representatives Hollingsworth, Hoppe, Hosmer and Rizzo voting "no" rather than "absent with leave".

Pages 1091 and 1092, roll call, by showing Representatives Bartle, Gross and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1091 and 1092, roll call, by showing Representatives Hollingsworth, Hoppe and Rizzo voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Monday, April 12, 1999, 8:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 403, SB 95, SB 391, SB 423

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, April 14, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 34

### **COMMERCE**

Monday, April 12, 1999, 3:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 37, SB 518

#### CONSUMER PROTECTION AND HOUSING

Tuesday, April 13, 1999, 8:00 pm. Hearing Room 7. Executive session.

#### CRITICAL ISSUES

Monday, April 12, 1999, 8:00 pm. Hearing Room 6. Executive session may follow.

To be considered - SB 326, SB 338

#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 13, 1999. Hearing Room 8 upon noon adjournment.

Executive session on SB 461. AMENDED NOTICE.

To be considered - HB 567, SB 289, SB 399, SB 461

#### EDUCATION - HIGHER

Monday, April 12, 1999. Side gallery upon adjournment.

To be considered - SB 460, Executive Session - SB 148, Executive Session - SB 443

#### ELECTIONS

Monday, April 12, 1999, 6:30 pm. Northeast corner side gallery House

Chamber immediately upon adjournment or time indicated.

To be considered - Executive Session - SB 412, Executive Session - SB 466,

Executive Session - SJR 23

#### ENVIRONMENT AND ENERGY

Monday, April 12, 1999, 3:00 pm. Hearing Room 8.

To be considered - SB 207, SB 426

#### FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, April 12, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 51, HB 1021

#### FISCAL REVIEW

Tuesday, April 13, 1999, 8:30 am. Hearing Room 5. Executive session.

To be considered - HB 700

#### INSURANCE

Tuesday, April 13, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

To be considered - HB 1002, HB 1020

#### JOINT COMMITTEE ON CORRECTIONAL INSTITUTIONS AND PROBLEMS

Monday, April 12, 1999, 1:30 pm. Hearing Rooms 1 and 2.

To be considered - SB 335

#### JUDICIARY

Tuesday, April 13, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - HB 1000

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 13, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 90, SB 139, SB 205, SB 312, SB 394, SB 436

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 13, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 115

#### PROFESSIONAL REGISTRATION & LICENSING

Monday, April 12, 1999, 3:00 pm. Hearing Room 5. Executive session.

To be considered - SB 244, SB 325, SB 362

#### PUBLIC HEALTH

Monday, April 12, 1999, 3:15 pm. North East side of House gallery.

Executive session.

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 13, 1999, 9:30 am. Hearing Room 5. Possible executive session may follow.

To be considered - SB 270

#### STATE PARKS, NATURAL RESOURCES & MINING

Monday, April 12, 1999, 3:30 pm. Room 302-A. Executive session.

#### WAYS AND MEANS

Tuesday, April 13, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow.

To be considered - SB 14

#### WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, April 12, 1999, 8:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 32

#### HOUSE CALENDAR

FIFTIETH DAY, MONDAY, APRIL 12, 1999

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HCS HJR 26 - Crump

2 HJR 20, HCA 1 - Gratz



**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

1 HCS HB 13 - Franklin

2 HB 17, HCA 1 - Franklin

**HOUSE BILLS FOR PERFECTION**

1 HB 277, as amended, HA 2, pending - Carter

2 HCS HB 180 - Hoppe

3 HCS HB 192 & 945 - Davis (122)

4 HCS HB 723 - Koller

5 HCS HB 780 - Van Zandt

6 HCS HB 673 - Kissell

7 HCS HB 643, 710 & 711 - Bray

8 HB 952 - Koller

9 HCS HB 599 - Gunn

10 HB 133 - Crump

11 HCS HB 769 - Bray

12 HB 120 - Kreider

13 HCS HB 934 - Treadway

14 HCS HB 456 - Fitzwater

15 HB 856 - Ford

16 HCS HB 640 - Campbell

17 HCS HB 354 - Barry

18 HCS HB 709 - Leake

19 HB 844 - Gratz

20 HB 519 - Relford

21 HCS HB 535 - May (108)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

3 HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579 - Hosmer

4 HCS HB 430 & 648 - McLuckie

**HOUSE BILL FOR PERFECTION - CONSENT**

(April 1, 1999)

HB 763 - O'Toole

**HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen

4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell

5 HCR 28, (4-7-99, pgs. 1094 & 1095) - Ransdall

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HB 700, E.C., (Fiscal Review 4-7-99) - Mays (50)

3 HS HCS HB 718, 225, 876 & 838 - Harlan

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 1045 - Kennedy

2 HB 472 - Nordwald

#### **SENATE BILLS FOR SECOND READING**

1 SB 451

2 SB 506

#### **SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 169, HCA 1 - Boucher

2 SB 188 - Smith

3 SB 184 - Scheve

4 HCS SCS SB 275, E.C. - Hosmer

5 SB 237 - Hosmer

(April 6, 1999)

6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

(April 7, 1999)

7 SB 10, HCA 1 - McKenna

8 SB 268 - Koller

9 SB 189 - Smith

10 SB 213 - Crump

11 SB 112 - Smith

12 SB 17, HCA 1 - Koller

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTIONS**

1 HR 66, (3-31-99, pgs. 1016 & 1017) - Green

2 HR 200, (3-31-99, pgs. 1017 & 1018) - Williams (121)

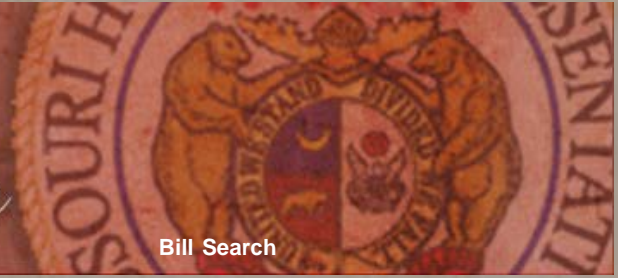
3 HR 49, (3-31-99, pg. 1016) - Farnen



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FIFTIETH DAY, Monday, April 12, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Ralph Robinett, Sergeant at Arms.

Dear Heavenly Father,

As we awoke today, You blessed us with a beautiful day that we take for granted. You showed us last week that we can not take every day for granted.

Our thoughts and prayers go out to the people in Miller, Cole and Osage counties who were the victims of the violent tornado last Thursday. Sometimes You shake us to get our attention and remind us that we live in a constantly changing world and that You are the one who never changes, but are the solid rock and foundation in our world. Thank You for being our keeper and the blessings You have given us. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the forty-ninth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 745 - Representative Bray

House Resolution No. 746 - Representative Hickey

House Resolution No. 747 - Representative Burton

House Resolution No. 748 through House Resolution No. 750 - Representative Kelley (47)

House Resolution No. 751 through House Resolution No. 806 - Representative Murphy

House Resolution No. 807 through House Resolution No. 820 - Representative Hendrickson

House Resolution No. 821 through House Resolution No. 833 - Representatives Enz and Murphy

House Resolution No. 834 through House Resolution No. 848 - Representatives Enz and Hendrickson

House Resolution No. 849 - Representative Gross

House Resolution No. 850 - Representative Gunn

House Resolution No. 851 - Representative Ross

House Resolution No. 852 - Representative Reynolds



## SECOND READING OF SENATE BILLS

**SB 451** and **SB 506** were read the second time.

### COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 971** and **HS HCS HBs 718, 225, 876 & 838**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## THIRD READING OF HOUSE BILLS - CONSENT

**HB 1045**, relating to court trust funds, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HB 1045** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hilgemann

Hohulin Holand Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Long Loudon Luetkemeyer Luetkenhaus Marble

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Enz Harlan Hickey Hollingsworth Linton  
Lograsso May 108 Murphy O'Connor Secrest  
Vogel

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

**HB 472**, relating to adoption investigations, was taken up by Representative Richardson.

On motion of Representative Richardson, **HB 472** was read the third time and passed by the following vote:

AYES: 142

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Dolan Dougherty Elliott  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hilgemann Hohulin Holand  
Hoppe Hosmer Howerton Kasten Kelley 47  
King Kissell Klindt Koller Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Toole  
Ostmann Overschmidt Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Troupe Tudor Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 004

Campbell Kelly 27 Kennedy Treadway

PRESENT: 000

ABSENT WITH LEAVE: 014

Days Enz Harlan Hickey Hollingsworth  
Kreider Lograsso May 108 O'Connor Parker  
Pryor Sallee Secrest Vogel

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 13**, relating to appropriations, was taken up by Representative Green.

Representative Green offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 13, Page 6, Section 13.090, Line 8, by adding after said line the following:

"If the Department of Health allows a private entity or contracts with a private entity to use any portion or part of its building(s) for what ever purpose, the private entity shall pay rent in an amount equal to the cost the Department of Health pays per square foot for the building space under the appropriate leasing agreement. If the cost per square foot increases in subsequent lease renewals or extensions the private entity's rent will increase accordingly. If utilities and janitorial services are offered to the private entity, the private entity will also pay the appropriate square foot fee for these services. Any rent or fee received from a private entity will be deposited in the appropriate funding account."

On motion of Representative Green, **House Amendment No. 1** was adopted.

On motion of Representative Green, **HCS HB 13, as amended**, was adopted.

On motion of Representative Green, **HCS HB 13, as amended**, was ordered perfected and printed.

**HB 17, with House Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **House Committee Amendment No. 1** was adopted.

On motion of Representative Franklin, **HB 17, as amended**, was ordered perfected and printed.

#### PERFECTION OF HOUSE BILL - INFORMAL

**HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579**, relating to crimes and punishment, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579**.

Representative Seigfreid offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 121, Section 5, Line 16, by deleting all of said section, and inserting in lieu thereof the following:

**"Section 5. 1. No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or a debit card.**

**2. No person shall willfully obtain personal identifying information of another person without the authorization of that person and use that information fraudulently to obtain, or attempt to obtain, credit, goods, or services in the name of the other person without the consent of that person.**

**3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a class A misdemeanor.**

**4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a person.**



**5. Notwithstanding subsections 1 to 4 of this section, no corporation, proprietorship, limited liability company, limited liability partnership, or other business entity shall be liable under this section for accepting applications for credit cards or debit cards or for the credit cards or debit cards in any credit or debit transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procurement of the issuance of a credit card or debit card."**

On motion of Representative Seigfreid, **House Amendment No. 1** was adopted.

Representative Schilling offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 7 of said page, by inserting immediately after the number "302.321," the numbers "302.505, 302.510, 302.520, 302.541,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by inserting immediately after the number "570.030," the numbers "577.012, 577.037,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-seven"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting all of said line and inserting in lieu thereof the following: "302.321, 302.505, 302.510, 302.520, 302.541, 552.040, 558.019, 570.030, 577.012, 577.037, 589.400 and 595.209, RSMo"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by inserting immediately after the number "302.321," the numbers "302.505, 302.510, 302.520, 302.541,"; and

Further amend said bill, Page 2, Section A, Line 3 of said page, by inserting immediately after the number "575.110," the numbers "577.012, 577.037,"; and

Further amend said bill, Page 55, Section 302.302, Line 18 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the following: "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 55, Section 302.302, Line 21 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the following: "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 72, Section 302.321, Line 19 of said page, by inserting after all of said line the following:

"302.505. 1. The department shall suspend or revoke the license of any person upon its determination that the person was arrested upon probable cause to believe such person was driving a motor vehicle while the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight, based on the definition of alcohol concentration in section 302.500, or where such person was less than twenty-one years of age when stopped and was stopped upon probable cause to believe such person was driving while intoxicated in violation of section 577.010, RSMo, or driving with excessive blood alcohol content in violation of section 577.012, RSMo, or upon probable cause to believe such person violated a state, county or municipal traffic offense and such person was driving with a blood alcohol content of two-hundredths of one percent or more by weight.

2. The department shall make a determination of these facts on the basis of the report of a law enforcement officer required in section 302.510, and this determination shall be final unless a hearing is requested and held. If a hearing is held, the department shall review the matter and make a final determination on the basis of evidence received at the hearing.

3. The determination of these facts by the department is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect any suspension or revocation under this section.

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a verified report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related

traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court.

2. The report required by this section shall be made on forms supplied by the department or in a manner specified by regulations of the department.

3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been certified by the director of the department of public safety pursuant to the provisions of sections 590.100 to 590.180, RSMo.

302.520. 1. Whenever the chemical test results are available to the law enforcement officer while the arrested person is still in custody, and where the results show an alcohol concentration of [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in such person's blood or where such person is less than twenty-one years of age and the results show that there is two-hundredths of one percent or more of alcohol in the person's blood, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation personally on the arrested person.

2. When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license issued by this state, the officer, acting on behalf of the department, shall issue a temporary permit which is valid for fifteen days after its date of issuance and shall also give the person arrested a notice which shall inform the person of all rights and responsibilities pursuant to sections 302.500 to 302.540. The notice shall be in such form so that the arrested person may sign the original as evidence of receipt thereof. The notice shall also contain a detachable form permitting the arrested person to request a hearing. Signing the hearing request form and mailing such request to the department shall constitute a formal application for a hearing.

3. A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the notice of rights and responsibilities given to the arrested person, including any request for hearing, and any driver's license taken into possession pursuant to this section shall be forwarded to the department by the officer along with the report required in section 302.510.

4. The department shall provide forms for notice of suspension or revocation, for notice of rights and responsibilities, for request for a hearing and for temporary permits to law enforcement agencies.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of [ten-hundredths] **eight-hundredths** of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525."; and

Further amend said bill, Page 106, Section 575.110, Line 7 of said page, by inserting after all of said line the following:

"577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class C misdemeanor.

577.037. 1. Upon the trial of any person for violation of any of the provisions of section 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of any criminal action or violations of county or municipal ordinances or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, RSMo, arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.



3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health.

5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health demonstrate that there was less than [ten-hundredths] **eight-hundredths** of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant."

On motion of Representative Schilling, **House Amendment No. 2** was adopted.

Representative Lograsso offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 39, Section 302.020, Line 9, by adding between the words "person" and "operating" the following: "under the age of twenty-one years".

On motion of Representative Lograsso, **House Amendment No. 3** was adopted.

Representative Robirds offered **House Amendment No. 4**.

**House Amendment No. 4** was withdrawn.

Representative Riback Wilson offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 3 of said page, by inserting immediately after the number "570.120," the number "571.165,"; and

Further amend said bill, Page 105, Section 570.120, Line 14 of said page, by inserting after all of said line the following:

**"571.165. 1. This section shall be known and may be cited as "The Children's Firearm Accident Prevention Act".**

**2. As used in this section, the following terms mean:**

(1) "Child", a person less than eighteen years of age;

(2) "Loaded firearm", a firearm as defined in section 571.010, in which there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot in or attached in any manner to the firearm, including in the firing chamber, magazine, or clip thereof attached to the firearm, except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder;

(3) "Locked container", a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device, but not including the utility or glove compartment of a motor vehicle unless such utility or glove compartment is securely locked by a key lock or similar locking device.

3. Except as provided in subsection 5 of this section, a person commits the crime of criminal storage of a firearm in the first degree if the person keeps any loaded firearm where the person knows or reasonably should know that a child is likely to gain access to the firearm without the supervision of the child's parent or legal guardian, and the child obtains access to the firearm and thereby causes death or serious physical injury to himself or to any other person.

4. Except as provided in subsection 5 of this section, a person commits the crime of criminal storage of a firearm in the second degree if the person keeps any loaded firearm where the person knows or reasonably should know that a child is likely to gain access to the firearm without the supervision of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than serious physical injury, to himself or any other person, or possesses the firearm in a public place.

5. Subsections 3 and 4 of this section shall not apply whenever:

(1) The child obtains the firearm as a result of an illegal entry to any premises by any person;

(2) The firearm is kept in a locked container or in a location which a reasonable person would believe to be secure, including but not limited to a cabinet designed for the safe holding and storage of firearms;

(3) The firearm is carried on the person or within such close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person;

(4) The firearm is equipped with a properly functioning trigger locking device;

(5) The person is currently a peace officer, as defined in section 590.100, RSMo, or a member of the armed forces or national guard, and the child obtains the firearm during, or incidental to, the performance of the person's duties;

(6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person;

(7) The person who keeps a loaded firearm on any premise which is under the custody or control of such person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

6. Criminal storage of a firearm in the first degree is a class D felony.

7. Criminal storage of a firearm in the second degree is a class A misdemeanor.

8. If a person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the prosecuting attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated this section when deciding whether to prosecute an alleged violation of this section. A parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This subsection shall not otherwise restrict in any manner the factors that a prosecuting attorney may consider when deciding whether to prosecute alleged violations of this section.

9. If a person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, no arrest of the person for the alleged violation of this section shall occur until at least seven days after the date upon which such accidental shooting occurred. In addition, a law enforcement officer shall consider the health status of a child who suffers serious physical injury as the result of an accidental shooting prior to arresting a person for a violation of this section, if the person to be arrested is the parent or guardian of the injured child. Law enforcement officers shall delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

10. In any action or trial commenced pursuant to this section, the fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section shall be admissible.

11. A violation of this section may not by itself:

(1) Be considered evidence of negligence; or

(2) Be considered evidence of contributory negligence.

12. All persons who engage in the transfer of firearms at retail in this state shall display conspicuously within the place of business a sign which contains the following: "Warning: Firearms must be stored safely away from children. Negligent or criminal storage of a firearm may result in civil and criminal liability." Any person who transfers firearms at retail who does not conspicuously display the sign required by this section is guilty of a class C misdemeanor and may be incarcerated up to thirty days in jail and fined not to exceed one thousand dollars."



Representative Froelker offered **House Amendment No. 1 to House Amendment No. 4**.

Representative Monaco raised a point of order that **House Amendment No. 1 to House Amendment No. 4** is in the third degree.

The Chair ruled the point of order well taken.

Representative Riback Wilson moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 024

Auer Boucher Bray 84 Campbell Carter

Daniel Days Dougherty Fraser Gunn

Hagan-Harrell Harlan Hilgemann McClelland McLuckie

Murray Scheve Schilling Shelton Skaggs

Troupe Van Zandt Williams 121 Wilson

NOES: 121

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner

Britt Burton Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Dolan Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kelly 27 Kennedy King Kissell Klindt

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble McBride

McKenna Merideth Miller Monaco Murphy

Myers Naeger Nordwald O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Schwab Scott Seigfreid

Selby Shields Smith Summers Surface

Thompson 37 Thompson 72 Townley Treadway Tudor

Wagner Ward Wiggins Williams 159 Wright

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Bennett Boykins Enz Hickey Hollingsworth

Hoppe Hosmer Kelley 47 Koller May 108

Mays 50 O'Connor Secrest Stokan Vogel

VACANCIES: 003

Representative Nordwald offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 5 of said page, by inserting immediately after the number "195.017," the number "195.214,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting immediately after the number "195.017," the number "195.214,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, Section A, Line 22 of said page, by inserting immediately after the number "195.017," the number "195.214,"; and

Further amend said bill, Page 28, Section 195.017, Line 22 of said page, by inserting after all of said line the following:

"195.214. 1. A person commits the offense of distribution of a controlled substance near schools, **child-care facilities or health-care facilities** if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus, **or a child-care facility licensed pursuant to section 210.211, RSMo, or a licensed health-care facility.**

2. Distribution of a controlled substance near schools, **child-care facilities or health-care facilities** is a class A felony."

On motion of Representative Nordwald, **House Amendment No. 5** was adopted.

Representative Robirds offered **House Amendment No. 6.**

**House Amendment No. 6** was withdrawn.

Representative Skaggs offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 3 of said page, by deleting the number "565.024," and in lieu thereof the numbers "565.006, 565.020, 565.030,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-four"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the number "565.024," and inserting in lieu thereof the numbers "565.006, 565.020, 565.024, 565.030,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-three"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by deleting the number "565.024," and inserting in lieu thereof the numbers "565.006, 565.020, 565.024, 565.030,"; and

Further amend said bill, Page 94, Section 558.019, after Line 21 of said page, by inserting after all of said line the following:

"565.006. 1. At any time before the commencement of the trial of a homicide offense, the defendant may, with the assent of the court, waive a trial by jury and agree to submit all issues in the case to the court, whose finding shall have the force and effect of a verdict of a jury. Such a waiver must include a waiver of a trial by jury of all issues and offenses charged in the case, including the punishment to be assessed and imposed if the defendant is found guilty.

2. No defendant who pleads guilty to a homicide offense or who is found guilty of a homicide offense after trial to the court without a jury shall **be sentenced to death. No defendant who pleads guilty to a homicide offense or who is found guilty of a homicide offense after trial to the court without a jury shall** be permitted a trial by jury on the issue of the punishment to be imposed, except by agreement of the state.

3. If a defendant is found guilty of murder in the first degree after a jury trial in which the state has not waived the death penalty, the defendant may not waive a jury trial of the issue of the punishment to be imposed[, except by agreement with the state and the court].

4. Any waiver of a jury trial and agreement permitted by this section shall be entered in the court record.

565.020. 1. A person commits the crime of murder in the first degree if [he] **the person** knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that[,]:

**(1) If a person has not reached [his] such person's** sixteenth birthday at the time of the commission of the crime[.]; **or**

**(2) If a defendant waives such defendant's right to a jury trial and pleads guilty;**

the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

Further amend said bill, Page 95, Section 565.024, Line 6 of said page, by inserting after all of said line the following:

"565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the [trier] **jury** without a waiver of the death penalty, the trial shall proceed in two stages before the same [trier] **jury**. At the first stage the [trier] **jury** shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the [trier] **jury** at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after [he] **the judge** finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the [trier] **jury** finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. [If the trier is a jury it] **The jury** shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the [trier] **jury** shall assess and declare the punishment as in all other criminal cases.

4. If the [trier] **jury** at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. [If the trier is a jury it] **The jury** shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The [trier] **jury** shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

**(1) If the [trier] jury** does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

**(2) If the [trier] jury** does not find that the evidence in aggravation of punishment, including but not limited to evidence supporting the statutory aggravating circumstances listed in subsection 2 of section 565.032, warrants imposing the death sentence; or



(3) If the [trier] **jury** concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the [trier] **jury**; or

(4) If the [trier] **jury** decides under all of the circumstances not to assess and declare the punishment at death.

[If the trier is a jury it] **The jury** shall be so instructed. If the [trier] **jury** assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. [If the trier is a jury it] **The jury** shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor [or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree].".

Speaker Gaw assumed the Chair.

On motion of Representative Skaggs, **House Amendment No. 6** was adopted.

Representative Hosmer offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 32, Section 211.321, Line 17 of said page, by inserting immediately after the words "**authorized employees**" the phrase ", and information that is classified as confidential in the state of Missouri shall be treated as confidential in any state with which the information is exchanged"; and

Further amend said bill, Page 39, Section 302.020, Line 16 of said page, by deleting the words "**convicted of violating**" and inserting in lieu thereof the words "**who violates**"; and

Further amend said bill, Page 39, Section 302.020, Line 18 of said page, by deleting the word "**convicted**" and inserting in lieu thereof the phrase "**who pleads guilty or is found guilty**"; and

Further amend said bill, Page 72, Section 302.321, Line 7 of said page, by deleting the word "**convicted**" and inserting in lieu thereof the phrase "**who pleads guilty or is found guilty**"; and

Further amend said bill, Page 72, Section 302.321, Line 9 of said page, by deleting the word "**convicted**" and inserting in lieu thereof the phrase "**who pleads guilty or is found guilty**"; and

Further amend said bill, Page 74, Section 544.170, Lines 9 to 11 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"2. All persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged felony shall"; and**

Further amend said bill, Page 74, Section 544.170, Line 20 of said page, by inserting immediately after the word "**by**" the words "**failing or**"; and

Further amend said bill, Page 74, Section 544.170, Line 21 of said page, by inserting immediately before the word "**permit**" the word "**reasonably**"; and

Further amend said bill, Page 74, Section 544.170, Lines 22 to 24, by deleting the following: "**or who transfers any such prisoner to the custody or control of another, or to another place**"; and

Further amend said bill, Page 103, Section 570.120, Line 12 of said page, by inserting immediately after the word "**assessed**" the phrase ", **with a maximum fee for administrative handling costs not to exceed fifty dollars total**"; and

Further amend said bill, Page 107, Section 589.400, Line 16 of said page, by inserting an opening bracket "[" immediately after the word "who" and inserting a closing bracket "]" immediately after the number "1979,"; and

Further amend said bill, Page 107, Section 589.400, Line 21 of said page, by inserting an opening bracket "[" immediately after the word "who" and inserting a closing bracket "]" immediately after the number "1979,"; and

Further amend said bill, Page 108, Section 589.400, Line 8 of said page, by inserting an opening bracket "[" immediately after the word "who" and inserting a closing bracket "]" immediately after the number "1979,"; and

Further amend said bill, Page 108, Section 589.400, Line 11 of said page, by inserting an opening bracket "[" immediately after the word "who" and inserting a closing bracket "]" immediately after the number "1979,"; and

Further amend said bill, Page 108, Section 589.400, Line 14 of said page, by inserting an opening bracket "[" immediately after the word "who" and inserting a closing bracket "]" immediately after the number "1979,"; and



Further amend said bill, Page 119, Section 2, Line 24 of said page, by inserting immediately after the word "**court**" the phrase "**, who shall convey the sum to the victim or the person entitled to restitution**"; and

Further amend said bill, Page 120, Section 3, Line 3 of said page, by deleting the word "**Operates**" and inserting in lieu thereof the words "**Purposely operates**".

On motion of Representative Hosmer, **House Amendment No. 7** was adopted.

Representative Lograsso offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 53, Section 302.172, Line 13 , by adding the following at the end of said line:

"No rule or portion of rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of Chapter 536, RSMo."

On motion of Representative Lograsso, **House Amendment No. 8** was adopted.

Representative Schilling offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 126, Section 559.021, Line 15, by deleting the word "and"; and

Further by deleting all of lines 16 and 17.

**HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, with House Amendment No. 9 and HS, as amended, pending**, was laid over.

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HCS HBs 718, 225, 876 & 838** - Fiscal Review (Fiscal Note)

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the committee indicated:

**HB 1029 - Missouri Tobacco Settlement**

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 763**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 679**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 679, Page 1, Section 1, Line 10, by deleting the word "shall" and substituting in lieu thereof the word "**may**"; and

Further amend House Bill No. 679, Page 1, Section 1, Line 11, by deleting said line and substituting in lieu thereof the following:

**4. Failure of the grantor to provide such notice to the grantee shall constitute a misrepresentation of a material fact.;**  
and

Further amend said bill, Page 1, Section 1, by adding the following additional subsection:

**6. No person not a party to the contract for the sale, whether with or without actual knowledge of the character or location of the property, shall be liable to either party for any claim arising from or related to the giving of or the failure to give such notice by the grantor to the grantee.**

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 105**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Education - Higher**, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SB 218**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **SCS SB 234**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 96**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND House Bill No. 96, Page 1, Section 376.1209.1, Line 10, by deleting "oncologist or primary care" and inserting in lieu thereof the word "attending"; and

Further amend said bill, Page 2, Section 376.1209.1, Line 20, by adding the following:

"4. No insurer as defined in section 376.960 shall require as a condition of coverage that procedures performed pursuant to 376.1209 be performed on an out-patient basis."

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 298**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 634**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 746**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Public Health, to which was referred **HB 766**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 71**, entitled:

An act to repeal sections 88.013 and 88.023, RSMo 1994, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 89**, entitled:

An act to repeal section 431.80, RSMo Supp. 1998, relating to claims against certain licensed professionals, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 441**, entitled:

An act to repeal section 286.005, RSMo Supp. 1998, relating to commissioners within the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: May (108).

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, April 13, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Forty-ninth Day, Thursday, April 8, 1999, page 1125, line 7, by deleting the words "it **Do Pass**," and inserting in lieu thereof the following:

"the **House Committee Substitute Do Pass**."

Pages 1103 and 1104, roll call, by showing Representatives Bartle and Griesheimer voting "aye" rather than "absent with leave".

Pages 1105 and 1106, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 1106 and 1107, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 1108 and 1109, roll call, by showing Representative Naeger voting "aye" rather than "absent with leave".

Pages 1111 and 1112, roll call, by showing Representatives Froelker and Howerton voting "aye" rather than "absent with leave".

Pages 1112 and 1113, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Pages 1113 and 1114, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 1114 and 1115, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 1117 and 1118, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1117 and 1118, roll call, by showing Representative Patek voting "no" rather than "absent with leave".

Pages 1118 and 1119, roll call, by showing Representative Boykins voting "absent with leave" rather than "no".

Pages 1118 and 1119, roll call, by showing Representatives Blunt and Surface voting "aye" rather than "absent with leave".

Pages 1118 and 1119, roll call, by showing Representatives Bartelsmeyer, Kreider, Liese and Patek voting "no" rather than "absent with leave".

Pages 1119 and 1120, roll call, by showing Representative Boykins voting "absent with leave" rather than "no".

Pages 1119 and 1120, roll call, by showing Representatives Blunt, Kreider, Patek, Smith and Surface voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, April 13, 1999. Side gallery upon morning adjournment. Executive session.

### **AGRICULTURE**

Wednesday, April 14, 1999, 1:00 pm. Hearing Room 9. Executive session may or may not follow.

To be considered - HB 1052

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, April 14, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 34

### **CONSUMER PROTECTION AND HOUSING**

Tuesday, April 13, 1999, 8:00 pm. Hearing Room 7. Executive session.



#### EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 13, 1999. Hearing Room 8 upon noon adjournment. Executive session on SB 461.

#### AMENDED NOTICE.

To be considered - HB 567, SB 289, SB 399, SB 461

#### EDUCATION - HIGHER

Tuesday, April 13, 1999. Side gallery upon noon adjournment.

To be considered - Executive Session - SB 460

#### ELECTIONS

Wednesday, April 14, 1999, 8:30 am. Hearing Room 8.

To be considered - Executive Session - SB 346, Executive Session - SB 466,

Executive Session - SJR 23

#### FISCAL REVIEW

Tuesday, April 13, 1999, 8:30 am. Hearing Room 5. Executive session.

To be considered - HB 700

#### INSURANCE

Tuesday, April 13, 1999, 8:30 am. Hearing Room 8. Executive session may follow.

To be considered - HB 1002, HB 1020

#### JOINT COMMITTEE ON JOB TRAINING

Wednesday, April 14, 1999, 9:00 am. Hearing Room 6.

#### JOINT COMMITTEE ON WETLANDS

Thursday, April 15, 1999, 8:30 am. Hearing Room 7. Update and informational meeting.

Reps. from U.S. Army Corps of Engineers in attendance.

#### JUDICIARY

Tuesday, April 13, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - HB 1000

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 13, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 90, SB 139, SB 205, SB 312, SB 394, SB 436

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, April 14, 1999, 8:00 am. Hearing Rooms 1 and 2. Executive session to follow.

To be considered - HB 828, HCR 15, HCR 24

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 13, 1999. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 115

#### **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, April 13, 1999, 9:30 am. Hearing Room 5. Possible executive session may follow.

To be considered - SB 270

#### **WAYS AND MEANS**

Tuesday, April 13, 1999. Hearing Room 9 upon morning adjournment.

Executive session may follow.

To be considered - SB 14

#### **HOUSE CALENDAR**

FIFTY-FIRST DAY, TUESDAY, APRIL 13, 1999

#### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HCS HJR 26 - Crump

2 HJR 20, HCA 1 - Gratz

#### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 18 - Franklin

#### **HOUSE BILLS FOR PERFECTION**

1 HB 277, as amended, HA 2, pending - Carter

2 HCS HB 180 - Hoppe

3 HCS HB 192 & 945 - Davis (122)

4 HCS HB 723 - Koller

5 HCS HB 780 - Van Zandt

6 HCS HB 673 - Kissell

7 HCS HB 643, 710 & 711 - Bray

8 HB 952 - Koller

9 HCS HB 599 - Gunn

10 HB 133 - Crump

11 HCS HB 769 - Bray

12 HB 120 - Kreider

13 HCS HB 934 - Treadway

14 HCS HB 456 - Fitzwater

15 HB 856 - Ford

16 HCS HB 640 - Campbell

17 HCS HB 354 - Barry

18 HCS HB 709 - Leake

19 HB 844 - Gratz

20 HB 519 - Relford  
21 HCS HB 535 - May (108)  
22 HB 406 - Mays (50)  
23 HB 146, HCA 1 - Wiggins  
24 HB 787 - Wiggins  
25 HB 59, HCA 1 - Boucher

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 826, HS, as amended, pending - Harlan  
3 HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, HA 9, HS,  
as amended, pending - Hosmer  
4 HCS HB 430 & 648 - McLuckie

#### **HOUSE BILL FOR PERFECTION - CONSENT**

(April 13, 1999)

HB 691 - Miller

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)  
2 HCR 16, (3-11-99, pg. 787) - Leake  
3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen  
4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell  
5 HCR 28, (4-7-99, pgs. 1094 & 1095) - Ransdall  
6 HCS HCR 19, (4-1-99, pgs. 1029 & 1030) - Williams (121)

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo  
2 HS HB 700, E.C., (Fiscal Review 4-7-99) - Mays (50)  
3 HS HCS HB 718, 225, 876 & 838, (Fiscal Review 4-12-99) - Harlan  
4 HS HB 971 - Shelton

#### **HOUSE BILL FOR THIRD READING - CONSENT**

HB 763 - O'Toole

#### **SENATE BILLS FOR SECOND READING**

1 SB 71  
2 SB 89  
3 SCS SB 441

## **SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 169, HCA 1 - Boucher

2 SB 188 - Smith

3 SB 184 - Scheve

4 HCS SCS SB 275, E.C. - Hosmer

5 SB 237 - Hosmer

(April 6, 1999)

6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

(April 7, 1999)

7 SB 10, HCA 1 - McKenna

8 SB 268 - Koller

9 SB 189 - Smith

10 SB 213 - Crump

11 SB 112 - Smith

12 SB 17, HCA 1 - Koller

(April 13, 1999)

13 SB 216 - Clayton

14 SB 353 - Ransdall

15 SCS SB 261 - Barry

16 SB 15 - Murray

17 SB 177 - May (108)

18 SB 152 - Kreider

19 SB 479 - Gaskill

20 SB 321 - Smith

21 SB 329 - Smith

22 SB 271 - Smith

23 SB 414, HCA 1 - Leake

24 HCS SCS SB 334 - Wiggins

25 SB 28, HCA 1 - Auer

26 HCS SB 410 - Richardson

27 HCS SB 278 - May (108)



## **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

## **HOUSE RESOLUTIONS**

1 HR 66, (3-31-99, pgs. 1016 & 1017) - Green

2 HR 200, (3-31-99, pgs. 1017 & 1018) - Williams (121)

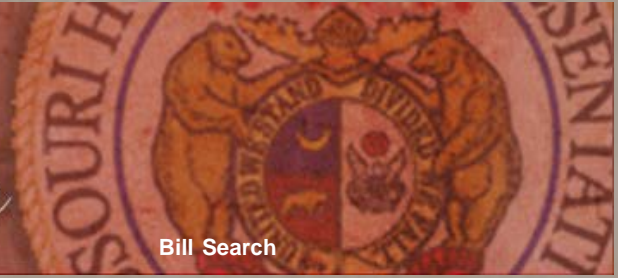
3 HR 49, (3-31-99, pg. 1016) - Farnen



Missouri House of Representatives

# MISSOURI

## House of Representatives

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Representative?

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-FIRST DAY, Tuesday, April 13, 1999

Representative Smith in the Chair.

Prayer by Representative Mike Schilling.

The world doesn't need super men or women, but super-natural people. People who will turn the self out of their lives and let Divine Power work through them. Let inspiration take the place of aspiration. Seek to grow spiritually, rather than to acquire fame and riches. Our chief ambition should be to be used by God. The Divine Force is sufficient for all the spiritual work in the world. God only needs the instruments for God's use. God's instruments can remake the world.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Micaela Arth, Bethany Price, Kaitlyn Sutton, Collin Berry, Cody Gaither, Ben Bostic, Rachel Hengst, Jessie Essner, Molly Hochwall, Kristin Mueller, Bill Zimmerman, Andrew Goldstein, Rebecca Fouts, Trent Hargrove, Katie McGrory, Michael Saena, Rachel Sharples, Rafay Asrar, Zachary Weaver, Joi Pickett, Hannah Wilson, Tori Harvey, Justin Bino, Abby Wilson, Nikki Anderson, James Friederich, Erin Barnes, Angela Dawn Nitchals, Shay Camper, Alysia Max, Ben Greene, Shannon Quinn and Tony Ambriz.

The Journal of the fiftieth day was approved as corrected.

### HOUSE COURTESY RESOLUTION OFFERED AND ISSUED

House Resolution No. 854 - Representatives Auer and Abel

### SECOND READING OF SENATE BILLS

**SB 71**, **SB 89** and **SCS SB 441** were read the second time.

### COMMITTEE REPORT

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HB 700 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILL - INFORMAL

**HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, with House Amendment No. 9, and HS, as amended, pending**, relating to crimes and punishment, was taken up by Representative Hosmer.

On motion of Representative Schilling, **House Amendment No. 9** was adopted.

Representative Parker offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 73, Lines 4-13, by deleting all of said lines and inserting in lieu thereof the following:

"Upon the filing of an information or the return of an indictment charging the commission of a misdemeanor a summons shall be issued unless, after considering the nature of the alleged crime or the likelihood the defendant will flee, it is determined there is reasonable grounds that the defendant will not appear upon the summons in which event a warrant for the arrest of the defendant shall be issued."

On motion of Representative Parker, **House Amendment No. 10** was adopted.

Representative Ladd Stokan offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 6 of said page, by inserting immediately after the number "302.171," the number "302.181,;" and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 19 of said page, by inserting immediately after the number "302.171," the number "302.181,;" and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by inserting immediately after the number "302.176," the number "302.181,;" and

Further amend said bill, Page 53, Section 302.176, Line 23 of said page, by inserting after all of said line the following:

"302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 [or 5] of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 [or 5] of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.



3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. [The director of revenue shall issue a commercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits the use of identification numbers by members as being contrary to its religious tenets.

5.] The director of revenue shall issue a **commercial or** noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

[6.] **5.** The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a [certified] statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

[7.] **6.** The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

[8.] **7.** The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as is on the driver's license upon payment of seven dollars and fifty cents if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for seven dollars and fifty cents. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

[9.] **8.** No rule or portion of a rule promulgated [under] **pursuant to** the authority of this chapter shall become effective [until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

10. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

11. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

12. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

13. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

14. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratifies the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

15. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.] **unless it has been promulgated pursuant to the provisions of chapter**



On motion of Representative Ladd Stokan, **House Amendment No. 11** was adopted.

Representative Hosmer offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bills No. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 2 of said page, by inserting immediately after the number "1.160," the numbers "149.011, 149.071,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-three"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting immediately after the number "1.160," the numbers "149.011, 149.071,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 22 of said page, by inserting immediately after the number "1.160," the numbers "149.011, 149.071,"; and

Further amend said bill, Page 2, Section 1.160, Line 18 of said page, by inserting after all of said line the following:

"149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

- (1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;
- (2) "Cigarette", an item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled or advertised as a cigarette, **or any product that contains nicotine, as intended to be burned or heated under ordinary conditions of use, and consists of or contains:**
  - (a) **Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or**
  - (b) **Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or**
  - (c) **Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this subdivision.**

**Cigarette includes "roll-your-own", which is any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of cigarette, nine one-hundredths of an ounce of "roll-your-own" tobacco shall constitute one individual cigarette;**

(3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;

(4) "Director", the director of Missouri department of revenue;

(5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;

(6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;

(7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;

(8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;

(9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty, **or a pack, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for distribution, to consumers;**

(10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;

(11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;

(12) "Sale" in this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(13) "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

(14) "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(15) "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(16) "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(17) "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(18) "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.071. 1. Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

**2. No tax stamp may be affixed to, or made upon, any package of cigarettes if:**

**(1) The package does not comply with all the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec. 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States; or**

**(2) The package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec. 5754;**

**(3) The package is labeled "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or**

**(4) The package, or a package containing individually stamped packages, has been altered by masking or deleting the wording described in subdivision (3) of this subsection.**

**3. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section shall be guilty of a class D felony upon conviction.**

**4. The department of revenue may revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section.**

**5. The department of revenue may seize and destroy or sell only for export to licensed exporters cigarette packages to which is affixed a tax stamp in violation of this section.**

**6. A violation of this section is a deceptive act or practice pursuant to this section."**

On motion of Representative Hosmer, **House Amendment No. 12** was adopted.

Representative Hollingsworth offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341,



619, 62 & 579, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 3 of said page, by inserting immediately after the number "570.120," the number "573.504,;" and

Further amend said bill, Page 105, Section 570.120, Line 14 of said page, by inserting after all of said line the following:

**"573.504. 1. A city not within a county or a county may enact an ordinance prohibiting any owner or manager of an adult cabaret from knowingly employing any person who has been convicted of or has pled guilty to, after the effective date of this section, any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity.**

**2. A city not within a county or a county may enact an ordinance prohibiting any person who has been convicted of or has pled guilty to, after the effective date of this section, any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity from working in an adult cabaret."**

On motion of Representative Hollingsworth, **House Amendment No. 13** was adopted.

Representative Hegeman offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 127, Section 7, Line 17, by inserting after all of said line the following:

"56.066. 1. Notwithstanding the provisions of section 56.360, the prosecuting attorney of every [first class] county **of the first classification**, except those in which the circuit court sits in more than one city and which were counties of the second class on January 1, 1988, [and of counties of the second class having a population of more than one hundred thousand inhabitants,] and of counties of the second [class] **classification** having a population of more than thirty thousand **and** containing a part of a city having a population of more than four hundred thousand, [and of counties of the second class having a population of more than eighty thousand at the 1970 decennial census, but less than ninety thousand,] shall devote [his] **such prosecutor's** full time to [his] **such** office, and, except for the performance of official duties, shall not engage in the practice of law.

2. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of seven hundred and fifty persons but less than one thousand five hundred persons, the prosecuting attorney shall receive ten thousand dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of one thousand five hundred persons but less than three thousand persons, the prosecuting attorney shall receive twelve thousand five hundred dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of three thousand persons but less than four thousand persons, the prosecuting attorney shall receive fifteen thousand dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average inmate population in excess of four thousand persons, the prosecuting attorney shall receive twenty thousand dollars per annum in addition to all other compensation provided by law. The compensation provided in connection with the average inmate population shall not be considered for purposes of determining any increase in compensation from January 1, 1988. The amounts provided in this subsection shall be included in the computation of the maximum allowable compensation as that term is used in section 50.333, RSMo.

3. [In counties of the second class contiguous to the Mississippi River with a population in excess of fifty-five thousand but less than seventy thousand according to the 1980 decennial census, and of counties of the second class contiguous to the Missouri River and contiguous to a charter first class county with a population in excess of nine hundred thousand according to the 1980 decennial census, the prosecutor shall receive, in addition to all other amounts provided by law, additional compensation in the amount of seven thousand dollars per year.] **Subject to annual appropriation, the department of corrections shall reimburse the counties for the amount of the additional compensation. The reimbursement amounts shall be limited to the amounts stated in subsection 2 of this section and shall not include employer-paid fringe benefits. On or before the thirty-first day of January of each year, the department shall require documentation of payment from the counties of the additional compensation paid in the previous calendar year";** and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Hegeman, **House Amendment No. 14** was adopted.

Representative Kissell offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "fifty-nine"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "fifty-eight"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting "6 and 7" and inserting in lieu thereof the following: "6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25"; and

Further amend said bill, Page 125, Section 7, Line 15 of said page, by inserting after all of said line the following:

**"Section 8. As used in sections 8 to 25 of this act, the following terms mean:**

- (1) "Board", the board of private investigator examiners established in section 9 of this act;**
- (2) "Client", any person who engages the services of a private investigator;**
- (3) "Department", the department of public safety;**
- (4) "Law enforcement officer", a law enforcement officer as defined in section 556.061, RSMo;**
- (5) "Organization", a corporation, trust, estate, partnership, cooperative or association;**
- (6) "Person", an individual or organization;**
- (7) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;**
- (8) "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;**
- (9) "Private investigator business", the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information with reference to:**
  - (a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;**
  - (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;**
  - (c) The location, disposition or recovery of lost or stolen property;**
  - (d) The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property; or**
  - (e) Securing evidence to be used before any court, board, officer or investigating committee.**

**Section 9. 1. The "Board of Private Investigator Examiners" is hereby created within the department of public safety. The board shall be a body corporate and may sue and be sued.**

**2. The board shall be composed of five members appointed by the governor with the advice and consent of the senate, one of such members shall be a licensed attorney. Each member of the board shall be a citizen of the United States, a resident of Missouri, at least thirty years of age and, except for the attorney appointed, shall have been actively engaged in the private investigator business for the previous five years, earning at least ninety percent of the member's gross income for the year preceding the member's appointment from the private investigator business. No more than one board members may be employed by, or affiliated with, the same private investigator agency. The initial board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after appointment to the board.**

**3. The members shall be appointed for terms of four years, except those first appointed, two members, who shall be private investigators, shall be appointed for terms of four years, two members shall be appointed for terms of three years and one member shall be appointed for a one-year term. Any vacancy on the board shall be filled for the unexpired term of the member and in the manner as the first appointment.**

**4. The members of the board shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in performing their official duties on the board.**

**Section 10. Unless expressly exempted from the provisions of sections 8 to 25 of this act:**

- (1) It shall be unlawful for any person to engage in the private investigator business in this state unless such person**



is licensed as a private investigator pursuant to sections 8 to 25 of this act;

(2) It shall be unlawful for any person to engage in business in this state as a private investigator agency unless such person is licensed pursuant to sections 8 to 25 of this act.

Section 11. The following persons shall not be deemed to be engaging in the private investigator business:

(1) A person employed exclusively and regularly by one employer in connection only with the affairs of such employer and where there exists an employer-employee relationship;

(2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons;

(4) An attorney performing duties as an attorney;

(5) A collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

(6) Insurers, agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(7) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(8) An insurance adjuster. For the purposes of sections 8 to 25 of this act, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business; or

(9) A process server when investigating for the purpose of identifying the location of a subject for service of process.

Section 12. 1. Every person desiring to be licensed in Missouri as a private investigator or private investigator agency shall make application therefor to the board of private investigator examiners. An application for a license pursuant to the provisions of sections 8 to 25 of this act shall be on a form prescribed by the board of private investigator examiners and accompanied by the required application fee. An application shall be verified and shall include:

(1) The full name and business address of the applicant;

(2) The name under which the applicant intends to do business;

(3) A statement as to the general nature of the business in which the applicant intends to engage;

(4) A statement as to the classification or classifications under which the applicant desires to be qualified;

(5) Two recent photographs of the applicant, of a type prescribed by the board of private investigator examiners, and two classifiable sets of the applicant's fingerprints;

(6) A verified statement of the applicant's experience qualifications; and

(7) Such other information, evidence, statements or documents as may be required by the board of private investigator examiners.

2. Before an application for a license may be granted, the applicant shall:

(1) Be at least twenty-one years of age;

(2) Be a citizen of the United States;

(3) Shall not have a felony conviction or misdemeanor involving theft or drugs;

(4) Shall provide proof of insurance with amount to be no less than one million in coverage for general liability and proof of workers' compensation insurance with the board having the authority to raise the requirements as deemed necessary; and

(5) Comply with such other qualifications as the board adopts by rules and regulations.

Section 13. 1. The board of private investigator examiners may require as a condition of licensure as a private investigator that the applicant:

(1) Successfully complete a course of training conducted by a trainer certified pursuant to section 24 of this act;

(2) Pass a written examination as evidence of knowledge of investigator business; and

(3) Submit to an oral interview with the board.

2. The board shall conduct a complete investigation of the background of each applicant for licensure as a private investigator to determine whether the applicant is qualified for licensure pursuant to sections 8 to 25 of this act. Board will outline basic qualification requirements for licensing as a private investigator and agency. Board will waive testing requirements for existing persons who meet all other requirements, make application within ninety days of law going into effect and provide satisfactory proof accepted by the board that they have been in business for at least two years and have generated a level of revenues during those two years as outlined by the board.

Section 14. The board of private investigator examiners may deny a request for a license if the applicant has:

(1) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license pursuant to the provisions of sections 8 to 25 of this act;

(2) Committed any act constituting dishonesty or fraud;

(3) Been convicted of any felony within the past ten years or a misdemeanor involving theft or drugs within the past five years. All convictions must be reported to board no matter how long ago they occurred and the board has the right to review convictions that are beyond the five- and ten-year limitation to determine if they wish to approve the license request and have the right to disapprove the request upon reviewing the conviction. Applicant shall inform the board of any current criminal charges that are felony or misdemeanor that involve theft or drugs;

(4) Been refused a license pursuant to the provisions of sections 8 to 25 of this act or had a license revoked in this state or in any other state;

(5) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 8 to 25 of this act; or

(6) Knowingly made any false statement in the application.

Section 15. 1. Every application submitted pursuant to the provisions of sections 8 to 25 of this act shall be accompanied by an annual fee as determined by the board as follows:

(1) For an individual license, agency license and employees being licensed to work under an agency license; or

(2) If a license is issued for a period of less than one year, the fee shall be prorated for the months, or fraction thereof, for which the license is issued.

2. The board shall set fees, as authorized by sections 8 to 25 of this act at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 8 to 25 of this act.

3. The fees prescribed by sections 8 to 25 of this act shall be exclusive and notwithstanding any other provision of law, no municipality may require any person licensed pursuant to sections 8 to 25 of this act to furnish any bond, pass any examination or pay any license fee or occupational tax relative to practicing the person's profession.

4. A private investigator license shall allow only the individual licensed by the state to conduct investigations. An agency license shall be applied for separately and held by an individual who is licensed as a private investigator. The agency may hire individuals to work for the agency conducting investigations for the agency only. Persons hired shall make application as determined by the board and meet all requirements set forth by the board except that they shall not be required to meet any experience requirements and shall be allowed to begin working immediately upon the agency submitting their applications. Employees shall attend a certified training program within a time frame to be determined by the board.

Section 16. 1. The board of private investigator examiners shall determine the form of the license which shall include the:

(1) Name of the licensee;

(2) Name under which the licensee is to operate; and

(3) Number and date of the license.

2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design and content as determined by the board shall be issued without charge to each licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions of sections 8 to 25 of this act. When any person to whom a card is issued terminates such person's position, office or association with the licensee, the card shall be surrendered to the licensee and, within five days thereafter, shall be mailed or delivered by the licensee to the board of private investigator examiners for cancellation. Within thirty days after any change of address, a licensee shall notify the board thereof. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.

Section 17. 1. Any license issued pursuant to sections 8 to 25 of this act shall expire three years after the date of its issuance. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee, except that:



(1) The application upon renewal need only provide information required of original applicants if the information shown on the original application or any renewal thereof on file with the board is no longer accurate;

(2) A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file more than two years; and

(3) Additional information may be required by rules and regulations adopted by the board of private investigator examiners.

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee, and the licensee is legally responsible for any acts knowingly committed by such licensee's employees or agents which are in violation of sections 8 to 25 of this act. A person receiving an agency license shall directly manage the agency and employees.

3. A license issued pursuant to the provisions of sections 8 to 25 of this act shall not be assignable.

Section 18. 1. Any licensee shall divulge to the board, any law enforcement officer or prosecuting attorney, or such person's representative, any information such person may acquire as to any criminal offense, or instruct his or her client to do so if the client is the victim but such person shall not divulge to any other person, except as he or she may be required by law to do, any information acquired by such person at the direction of the employer or client for whom the information was obtained.

2. No licensee or officer, director, partner, associate or employee thereof shall:

(1) Knowingly make any false report to his or her employer or client for whom information was being obtained;

(2) Cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

(3) Use a title, wear a uniform, use an insignia or an identification card or make any statement with the intent to give an impression that such person is connected in any way with the federal government, a state government or any political subdivision of a state government;

(4) Appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien or any other lien; or

(5) Manufacture evidence.

Section 19. Each licensee shall maintain a record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners. Such licensee shall file with the board the complete address of the licensee's principal place of business including the name and number of the street. The board may require the filing of other information for the purpose of identifying such principal place of business.

Section 20. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and an address as they appear in the records of the board of private investigator examiners. A licensee shall not advertise or conduct business from any Missouri address other than that shown on the records of the board as the licensee's principal place of business unless the licensee has received a branch office certificate for such location after compliance with the provisions of sections 8 to 25 of this act and such additional requirements necessary for the protection of the public as the board may prescribe by regulation. A licensee shall notify the board in writing within ten days after closing or changing the location of a branch office.

Section 21. 1. The board of private investigator examiners may suspend or revoke a license issued pursuant to sections 8 to 25 of this act if, after notice and opportunity for hearing in accordance with the provisions of chapter 621, RSMo, the board determines that the licensee has:

(1) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;

(2) Violated any provision of sections 8 to 25 of this act;

(3) Violated any rule of the board of private investigator examiners adopted pursuant to the authority contained in sections 8 to 25 of this act;

(4) Has been convicted of a felony or misdemeanor involving theft or drugs;

(5) Impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

(6) Committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(7) Knowingly violated, or advised, encouraged or assisted the violation of, any court order or injunction in the course of business as a licensee;

(8) Used any letterhead, advertisement or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state or any political subdivision thereof;

(9) Used a name different from that under which such person is currently licensed in any advertisement, solicitation or contract for business; or

(10) Committed any act which is grounds for denial of an application for a license pursuant to the provisions of section 14 of this act.

2. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.

3. The agency may continue under the direction of another employee if the individual holding the license is suspended or revoked as approved by the board. The board shall establish a time frame in which the agency shall identify an acceptable person who is qualified to assume control of the agency, as required by the board.

Section 22. 1. Each private investigator or investigator agency operating pursuant to the provisions of sections 8 to 25 of this act shall be required to keep a complete record of the business transactions of such investigator or investigator agency and upon the order of the board shall give free and full opportunity to inspect the same and to inspect reports made; but any information obtained by the board shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall appoint another state agency to act as gatherers of information and facts to present to the board regarding any complaint or inspection they are looking into. The board may hire a private agency to conduct this audit as long as the agency is conducting an audit and is not an investigative agency or affiliated in any way with a company that provides investigative services.

2. For the purpose of enforcing the provisions of sections 8 to 25 of this act, and in making investigations relating to any violation thereof or to the character, competency and integrity of the applicants or licensees hereunder, and for the purpose of investigating the business, business practices and business methods of any applicant or licensee, or of the officers, directors, partners or associates thereof, the board shall have the power to subpoena and bring before the board any person in this state and require the production of any books, records or papers which the board deems relevant to the inquiry. The board also may administer an oath to and take the testimony of any person, or cause such person's deposition to be taken, except that any applicant or licensee or officer, director, partner or associate thereof shall not be entitled to any fees or mileage. A subpoena issued pursuant to this section shall be governed by the rules of civil procedure. Any person duly subpoenaed, who fails to obey such subpoena without reasonable cause or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's or licensee's business, business practices and methods or such violations, shall be guilty of a class A misdemeanor. The testimony of witnesses in any investigative proceeding shall be under oath, and willful false swearing in any such proceeding shall be perjury.

Section 23. 1. The board shall adopt such rules and regulations as may be necessary to carry out the provisions of sections 8 to 25 of this act.

2. No rule or portion of a rule promulgated pursuant to the authority of sections 8 to 25 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 24. 1. The board of private investigator examiners shall certify persons who are qualified to train private investigators.

2. In order to be certified as a trainer pursuant to this section, a trainer shall:

(1) Be twenty-one or more years of age;

(2) Have a minimum of one-year supervisory experience with a private investigator agency; and

(3) Be personally licensed and qualified to train private investigators.

3. Persons wishing to become certified trainers shall make application to the board of private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

4. A certificate shall be granted to a trainer if the board finds that the applicant:

(1) Meets the requirements of subsection 2 of this section;

(2) No felony convictions or misdemeanor involving theft or drugs or currently charged with either;

(3) Has sufficient knowledge of private investigator business to be a suitable person to train private investigators;

(4) Has supplied all required information to the board; and

(5) Has paid the required fee.

5. The certificate issued pursuant to this section shall expire on the third year after the year in which it is issued and shall be renewable triennially upon application and payment of a fee.

Section 25. Any person who knowingly falsifies the fingerprints or photographs or other information required to be



submitted pursuant to sections 8 to 25 of this act is guilty of a class D felony; and any person who violates any of the other provisions of sections 8 to 25 of this act is guilty of a class A misdemeanor.".

On motion of Representative Kissell, **House Amendment No. 15** was adopted by the following vote:

AYES: 106

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Berkowitz Berkstresser

Boatright Bonner Boucher Bray 84 Britt

Burton Campbell Chrismer Cierpiot Clayton

Crump Davis 122 Davis 63 Dolan Elliott

Evans Farnen Fitzwater Foley Ford

Foster Franklin Gambaro Gaskill George

Graham 106 Graham 24 Gratz Green Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 124

Hickey Hilgemann Hollingsworth Hoppe Kasten

Kelley 47 Kelly 27 Kennedy Kissell Kreider

Lakin Lawson Leake Levin Liese

Linton Luetkenhaus May 108 Mays 50 McBride

McKenna McLuckie Merideth Monaco Murray

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Ransdall Reid

Relford Reynolds Richardson Rizzo Ross

Scheve Schwab Scott Seigfreid Selby

Shelton Skaggs Smith Summers Surface

Thompson 37 Townley Treadway Troupe Tudor

Van Zandt Wagner Wiggins Williams 121 Williams 159

Mr. Speaker

NOES: 047

Bartelsmeyer Bartle Bennett Black Blunt

Boykins Carter Champion Crawford Daniel

Days Dougherty Fraser Froelker Gibbons

Griesheimer Hanaway Hartzler 123 Hendrickson Hohulin

Holand Hosmer Howerton King Klindt

Legan Lograsso Long Loudon Luetkemeyer

Marble McClelland Miller Murphy Myers

Nordwald Patek Purgason Reinhart Ridgeway

Robirds Sallee Schilling Shields Thompson 72

Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Enz Hegeman Koller Secrest Stokan

Vogel Ward

VACANCIES: 003

Representative May (108) offered **House Amendment No. 16.**

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 8 of said page, by inserting immediately after the number "570.030," the number "571.030,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by inserting immediately after the number "570.030," the number "571.030,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 3 of said page, by inserting immediately after the number "570.120," the number "571.030,"; and

Further amend said bill, Page 105, Section 570.120, Line 14 of said page, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; [or]

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; **or**

**(10) Carries a firearm or any other weapon readily capable of lethal use into any school or onto any school bus, unless the person is participating in a school-sanctioned, firearm-related event.**

2. Subdivisions (1), (3), (4), (6), (7), (8) [and], (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons

accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class C felony**, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."

On motion of Representative May (108), **House Amendment No. 16** was adopted.

Representative Britt offered **House Amendment No. 17**.

Representative Lograsso raised a point of order that **House Amendment No. 17** amends previously amended material.

The Parliamentary Committee ruled the point of order well taken.

Representative Luetkenhaus offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 95, Section 565.024, Line 6, by inserting immediately after said line the following:

"565.032. 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or [he] **the judge** shall include in his **or her** instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and



(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he **or she** considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

- (1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;
- (2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;
- (3) The offender by his **or her** act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;
- (4) The offender committed the offense of murder in the first degree for [himself] **the offender** or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;
- (5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his **or her** official duty;
- (6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;
- (7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;
- (8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his **or her** official duty;
- (9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;
- (10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of [himself] **the offender** or another;
- (11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195, RSMo;
- (12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his **or her** status as a witness or potential witness;
- (13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his **or her** official duties, or the murdered individual was an inmate of such institution or facility;
- (14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;
- (15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195, RSMo;
- (16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195, RSMo;
- (17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421;

**(18) The murder was of a child sixteen years of age or less.**

3. Statutory mitigating circumstances shall include the following:

- (1) The defendant has no significant history of prior criminal activity;
- (2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance;
- (3) The victim was a participant in the defendant's conduct or consented to the act;



- (4) The defendant was an accomplice in the murder in the first degree committed by another person and [his] **the defendant's** participation was relatively minor;
- (5) The defendant acted under extreme duress or under the substantial domination of another person;
- (6) The capacity of the defendant to appreciate the criminality of his **or her** conduct or to conform his **or her** conduct to the requirements of law was substantially impaired;
- (7) The age of the defendant at the time of the crime.".; and

Further amend the title and enacting clause accordingly.

On motion of Representative Luetkenhaus, **House Amendment No. 17** was adopted.

Representative Elliott offered **House Amendment No. 18**.

*House Amendment No. 18*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, Section A, Line 20 of said page, by deleting the number "570.030,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "thirty-nine"; and

Further amend said bill, Page 2, Section A, Line 3 of said page, by deleting the number "570.030,"; and

Further amend said bill, Pages 97 to 100, Section 570.030, by deleting all of said section; and

Further amend said bill, Page 125, Section B, by deleting all of said section and inserting in lieu thereof the following:

"Section A. Sections 559.021 and 570.030, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 559.021 and 570.030, to read as follows:"; and

Further amend said bill, Page 127, Section 559.021, Line 11 of said page, by inserting after all of said line the following:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is seven hundred fifty dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
  - (a) Any motor vehicle, watercraft or aircraft; or
  - (b) Any will or unrecorded deed affecting real property; or
  - (c) Any credit card or letter of credit; or
  - (d) Any firearms; or
  - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
  - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
  - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

- (h) Any book of registration or list of voters required by chapter 115, RSMo; or
- (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
- (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
- (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than [one] **seven** hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia, **or any attempt to steal any amount of anhydrous ammonia**, is a class D felony **if the value is less than seven hundred fifty dollars, and a class C felony if the value is seven hundred fifty dollars or more.**

5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

Section B. Because immediate action is necessary to promote the public safety, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."

On motion of Representative Elliott, **House Amendment No. 18** was adopted.

Representative Gunn offered **House Amendment No. 19.**

*House Amendment No. 19*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 8 of said page, by deleting "589.400 and 595.209" and inserting in lieu thereof the following: "589.400, 595.209 and 610.122"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-eight"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting "589.400 and 595.209" and inserting in lieu thereof the following: "589.400, 595.209 and 610.122"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-seven"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting all of said line and inserting in lieu thereof the following: "595.035, 595.209, 610.122, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, to read as follows:"; and

Further amend said bill, Page 119, Section 595.209, Line 10 of said page, by inserting after all of said line the following:

"610.122. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503, RSMo, may be expunged if the court determines that:

(1) The arrest was based on false information and the following conditions exist:

(a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

[(2)] (b) No charges will be pursued as a result of the arrest;

[(3)] (c) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions **or suspended impositions of sentence and there are no pending criminal investigations regarding the arrest;**

[(4)] (d) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and

[(5)] (e) No civil action is pending relating to the arrest or the records sought to be expunged[.]; **or**

**(2) No criminal charges have been filed against the subject of the arrest within ten years from the date of such arrest."**; and

Further amend said bill, Page 125, Section 7, Line 15 of said page, by inserting after all of said line the following:

"Section 8. Sections 8 to 13 of this act may be cited as the "Missouri Rehabilitation and Sealed Records Act".

Section 9. For the purposes of sections 8 to 13 of this act, the following terms mean:

(1) "Sex-related offense", any crime defined in chapter 566, RSMo, section 568.020, subdivision (2) of subsection 1 of section 568.045, subdivision (2) of subsection 1 of section 568.060, and sections 568.080 and 568.090, RSMo; and

(2) "Violent felony", any crime punishable as a class A felony, any crime punishable as a class B felony of an intentional act or any crime in which a deadly weapon, as defined in section 556.061, RSMo, was used or displayed.

Section 10. A person who has pled guilty to or found guilty of no more than one felony or two misdemeanors may petition the circuit court to have such person's record, including juvenile records, sealed, if the person:

(1) Has not pled guilty to or been found guilty of a misdemeanor for at least ten consecutive years or pled guilty to or been found guilty of a felony for at least fifteen consecutive years, after being discharged from probation or released from incarceration;

(2) Is not currently on probation or parole;

(3) Has not pled guilty to or been found guilty of a violent felony;

(4) Has not pled guilty to or been found guilty of a sex-related offense;

(5) Has not pled guilty to or been found guilty of any offense of distributing a controlled substance as described in chapter 195, RSMo, and punishable as a class A or B felony;

(6) Has not previously petitioned to have such person's records sealed pursuant to the provisions of sections 8 to 13 of this act;

(7) Has not been convicted, as that term is defined in section 302.700, RSMo, for the operation of a commercial motor vehicle, as defined in section 302.700, RSMo, with a blood alcohol content of at least four-hundredths of one percent; and

(8) Is at least twenty-five years of age.

Section 11. If the court finds that a person has met the requirements of section 10 of this act, the court may in the court's discretion after considering the totality of the circumstances set aside all verdicts or findings of guilty and allow the petitioner to withdraw all pleas of guilty and may dismiss with prejudice all cases against the petitioner, and may order all criminal and juvenile records of the petitioner to be sealed. Notwithstanding any other provision of law to the contrary, such petitioners waive all rights of being employed by any Missouri-licensed gambling operation. If the petitioner is arrested for committing any crime, other than minor traffic offenses, during the pendency of the action, the court shall stay such action until the resolution of any indictment or information filed pursuant to such arrest.

Section 12. 1. A person who knowingly fails to seal, or releases information which has been ordered sealed pursuant to section 11 of this act, is guilty of a class B misdemeanor.

2. A person who, knowing the records have been ordered sealed, uses the information for financial gain is guilty of a class D felony.

Section 13. 1. The sealing of any record shall not reflect on the validity of the arrest or conviction and shall not be construed to indicate a lack of probable cause for the arrest.

2. The petitioner shall not bring any action subsequent to the sealing against any law enforcement officer or law enforcement agency relating to the arrest or conviction described in the sealed records.

3. Neither the public nor law enforcement agencies shall have access to records sealed pursuant to sections 8 to 13 of this act.

4. For the purposes of section 610.120, RSMo, the term "closed" shall include sealed."

On motion of Representative Gunn, **House Amendment No. 19** was adopted.

Representative Britt offered **House Amendment No. 20**.

*House Amendment No. 20*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 72, Section 302.321, Lines 8 through 10, by deleting the following: "a third or subsequent time of driving while revoked is guilty of a class D felony."



and inserting in lieu thereof the following:

**"of two or more such offenses within five years of the occurrence of the traffic offense for which the person is charged guilty of a class D felony."**

On motion of Representative Britt, **House Amendment No. 20** was adopted.

Representative Troupe offered **House Amendment No. 21**.

*House Amendment No. 21*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 3 of said page, by inserting immediately after the number "565.024," the numbers "565.050, 565.060,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by inserting immediately after the number "559.021," the number "565.070,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-four"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by inserting immediately after the number "565.024," the numbers "565.050, 565.060,"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by inserting immediately after the number "558.019," the number "565.070,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-three"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by inserting immediately after the number "565.024," the numbers "565.050, 565.060, 565.070,"; and

Further amend said bill, Page 95, Section 565.024, Line 6 of said page, by inserting after all of said line the following:

"565.050. 1. A person commits the crime of assault in the first degree if [he] **the person** attempts to kill or knowingly causes or attempts to cause serious physical injury to another person.

2. Assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim in which case it is a class A felony.

**3. No person who pleads guilty to or is found guilty of assault in the first degree shall receive a suspended imposition or execution of sentence, probation or a fine in lieu of a term of imprisonment if the assault was on a mass transit worker or passenger while on or waiting to board a bus or light rail system.**

565.060. 1. A person commits the crime of assault in the second degree if [he] **the person**:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5) Recklessly causes physical injury to another person by means of discharge of a firearm.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause [under] **pursuant to** subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.

**4. No person who pleads guilty to or is found guilty of assault in the second degree shall receive a suspended imposition or execution of sentence, probation or a fine in lieu of a term of imprisonment if the assault was on a mass transit worker or passenger while on or waiting to board a bus or light rail system.**

565.070. 1. A person commits the crime of assault in the third degree if:

(1) The person attempts to cause or recklessly causes physical injury to another person; or



- (2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
- (3) The person purposely places another person in apprehension of immediate physical injury; or
- (4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- (5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
- (6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would consider offensive or provocative.

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members.

**5. No person who pleads guilty to or is found guilty of assault in the third degree shall receive a suspended imposition or execution of sentence, probation or a fine in lieu of a term of imprisonment if the assault was on a mass transit worker or passenger while on or waiting to board a bus or light rail system."**

On motion of Representative Troupe, **House Amendment No. 21** was adopted.

Representative Patek offered **House Amendment No. 22**.

*House Amendment No. 22*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 68, Section 302.309, Line 8, by inserting in before the word "hardship" the following "["; and

Further amend House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 68, Section 302.309, Line 8, by inserting after the word "hardship" the following: "]; and

Further amend House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 68, Section 302.309, Line 8 by inserting after the word "hardship" the following: "**a limited**"; and

Further amend House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 68, Section 302.309, Line 9, by inserting after the word "privilege" the following: "**who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediate proceeding five years, or**".

. On motion of Representative Patek, **House Amendment No. 22** was adopted.

Representative Howerton offered **House Amendment No. 23**.

*House Amendment No. 23*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 29, Section 195.215, Line 8, by adding the following at the end of said line:

Section A. Chapter 221, RSMo, is amended by adding thereto one new section to be known as section 221.232, to read as follows:

221.232. 1. No private person, corporation, partnership, business, association or other entity shall operate or manage any correctional facility or jail within this state unless such facility or jail is already in operation on the effective date of this act. Neither the state nor any political subdivision shall contract with any private entity for the keeping of any person within a correctional facility or jail. As used in this section, the term "correctional facility or jail" means any secure building, camp, farm

or other facility used to house persons in the custody of any law enforcement agency or the department of corrections.

2. This section shall not prohibit the state or any political subdivision from executing any contract for the keeping of persons in facilities managed or operated by private entities for specific programs authorized by law, or for programs used for the monitoring of persons on conditional release, probation or parole.

3. The provisions of this section shall not apply to the division of youth services.

4. The provisions of this section shall sunset December 31, 2004.

On motion of Representative Howerton, **House Amendment No. 23** was adopted.

Representative Wright offered **House Amendment No. 24**.

*House Amendment No. 24*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 3 of said page, by inserting immediately after the number "544.170," the number "558.046,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by inserting immediately after the number "559.021," the number "559.115,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by inserting immediately after the number "544.170," the number "558.046,"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by inserting immediately after the number "558.019," the number "559.115,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by inserting immediately after the number "558.019," the number "559.115,"; and

Further amend said bill, Page 94, Section 558.019, Line 21 of said page, by inserting after all of said line the following:

"559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the defendant's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. A circuit court only upon its own motion and not that of the state or the defendant shall have the power to grant probation to a defendant anytime up to one hundred twenty days after such defendant has been delivered to the custody of the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the defendant and such defendant's behavior during the period of incarceration. Except as provided in this section, the court may place the defendant on probation in a program created pursuant to section 217.777, RSMo, or may place the defendant on probation with any other conditions authorized by law.

3. Except when the defendant has been found to be a predatory sexual offender pursuant to section 558.018, RSMo, the court shall request that the defendant be placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.

4. The circuit court shall notify the state in writing when the court intends to grant probation to the defendant pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

5. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to defendants who have been convicted of murder in the second degree pursuant to section 565.021, RSMo; forcible rape pursuant to section 566.030, RSMo; forcible sodomy pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section 566.032, RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class B felony; a defendant who has been found to be a predatory sexual offender pursuant to section 558.018, RSMo; **any other class A felony**; or any offense in which there exists a statutory prohibition against either probation or parole."; and

Further amend said bill, Page 125, Section 195.246, Line 24 of said page, by inserting after all of said line the following:

"[558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a

term of conditional release or parole pronounced by the state board of probation and parole if the court determines that:

(1) The convicted person was:

(a) Convicted of a crime that did not involve violence or the threat of violence; and

(b) Convicted of a crime that involved alcohol or illegal drugs; and

(2) Since the commission of such crime, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or

(b) A persistent sexual offender as defined in section 558.018; or

(c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.J".

Representative Clayton requested a division of the question.

#### *House Amendment No. 24*

#### **PART I**

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 3 of said page, by inserting immediately after the number "544.170," the number "558.046,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by inserting immediately after the number "559.021," the number "559.115,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by inserting immediately after the number "544.170," the number "558.046,"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by inserting immediately after the number "558.019," the number "559.115,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by inserting immediately after the number "558.019," the number "559.115,"; and

Further amend said bill, Page 94, Section 558.019, Line 21 of said page, by inserting after all of said line the following:

"559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the defendant's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. A circuit court only upon its own motion and not that of the state or the defendant shall have the power to grant probation to a defendant anytime up to one hundred twenty days after such defendant has been delivered to the custody of the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the defendant and such defendant's behavior during the period of incarceration. Except as provided in this section, the court may place the defendant on probation in a program created pursuant to section 217.777, RSMo, or may place the defendant on probation with any other conditions authorized by law.

3. Except when the defendant has been found to be a predatory sexual offender pursuant to section 558.018, RSMo, the court shall request that the defendant be placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.

4. The circuit court shall notify the state in writing when the court intends to grant probation to the defendant pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

5. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to defendants who have been convicted of murder in the second degree pursuant to section 565.021, RSMo; forcible rape pursuant to section 566.030,



RSMo; forcible sodomy pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section 566.032, RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class B felony; a defendant who has been found to be a predatory sexual offender pursuant to section 558.018, RSMo; **any other class A felony**; or any offense in which there exists a statutory prohibition against either probation or parole."; and

On motion of Representative Wright, Part I of House Amendment No. 24 was adopted.

*House Amendment No. 24*

PART II

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 125, Section 195.246, Line 24 of said page, by inserting after all of said line the following:

"[558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the state board of probation and parole if the court determines that:

(1) The convicted person was:

(a) Convicted of a crime that did not involve violence or the threat of violence; and

(b) Convicted of a crime that involved alcohol or illegal drugs; and

(2) Since the commission of such crime, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or

(b) A persistent sexual offender as defined in section 558.018; or

(c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.]".

Representative Wright moved that Part II of House Amendment No. 24 be adopted.

Which motion was defeated.

Speaker Pro Tem Kreider assumed the Chair.

Representative Ridgeway offered **House Amendment No. 25**.

*House Amendment No. 25*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 122, Section 6, Lines 1-15, by deleting all of said section; and

Further amend said bill, by renumbering remaining sections; and

Further amend the title and enacting clause accordingly.

On motion of Representative Ridgeway, **House Amendment No. 25** was adopted by the following vote:

AYES: 120

Abel Akin Alter Ballard Barnett

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boykins



Britt Burton Carter Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Dolan Elliott Evans Farnen Foley  
Foster Franklin Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Green  
Griesheimer Gross Gunn Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Hollingsworth Hoppe Howerton Kasten  
Kelley 47 Kelly 27 King Kissell Klindt  
Koller Lawson Legan Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Troupe Tudor Wagner  
Wiggins Williams 121 Williams 159 Wright Mr. Speaker

NOES: 031

Auer Barry 100 Boucher Bray 84 Campbell  
Champion Davis 63 Days Dougherty Fitzwater  
Fraser Gratz Hagan-Harrell Hickey Hilgemann  
Hosmer Kennedy Kreider Lakin May 108  
McLuckie O'Toole Reid Relford Reynolds  
Rizzo Scheve Treadway Van Zandt Ward  
Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Backer Enz Ford Harlan Leake  
Levin Pryor Secrest Vogel

VACANCIES: 003

Representative Boucher offered **House Amendment No. 26**.

*House Amendment No. 26*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 94, Section 558.019, Line 3, by inserting after the word "senate" the words "**no later than January 31, 2000**"; and

Further amend said section, Line 4, by inserting an opening bracket "[" before the first occurrence of the word "the" and inserting a closing bracket "]" after the words "1998,"; and

Further amend said section, Line 4, by inserting the word "**this**" after the word "Following".

On motion of Representative Boucher, **House Amendment No. 26** was adopted.

Representative May (108) offered **House Amendment No. 27**.

*House Amendment No. 27*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting "and 7" and inserting in lieu thereof the following: ", 7 and 8"; and

Further amend said bill, Page 125, Section 7, Line 15 of said page, by inserting after all of said line the following:

**"Section 8. 1. No person shall knowingly and unlawfully enter another's motor vehicle for the purpose of committing a crime therein.**

**2. Any person who violates the provisions of subsection 1 of this section is guilty of a class D felony."**

On motion of Representative May (108), **House Amendment No. 27** was adopted.

Representative Kissell offered **House Amendment No. 28**.

*House Amendment No. 28*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 2 of said page, by inserting immediately after the number "302.250," the numbers "374.700, 374.750, 374.755,"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by inserting immediately after the number "302.321,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "fifty-eight"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting immediately after the number "302.250," the numbers "374.700, 374.750, 374.755,"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by inserting immediately after the number "302.321," the number "374.715,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "fifty-seven"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by inserting immediately after the number "302.321," the numbers "374.695, 374.700, 374.702, 374.704, 374.715, 374.717, 374.755, 374.762, 374.764, 374.782, 374.783, 374.784, 374.785, 374.786, 374.787, 374.788, 374.789,"; and

Further amend said bill, Page 72, Section 302.321, Line 19 of said page, by inserting after all of said line the following:

**"374.695. Sections 374.695 to 374.775 may be known and shall be cited as the "Professional Bail Bondsman Licensing Act".**

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

- (1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;
- (2) "Department", the department of insurance of the state of Missouri;
- (3) "Director", the director of the department of insurance;
- (4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;
- (5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;
- (6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

**374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:**

- (1) "Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;
- (2) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly license pursuant to the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;
- (3) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;
- (4) "Department", the department of insurance of the state of Missouri;
- (5) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;
- (6) "Insurer", any surety company which is qualified to transact surety business in Missouri;
- (7) "Licensee", a bail bond agent or a general bail bond agent;
- (8) "Surety", a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;
- (9) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracts down and captures a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent;
- (10) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

**374.702. 1. No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.**

**2. No judge, attorney, court official, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a bail bond agent or a general bail bond agent.**

**3. A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power**



of attorney referencing the general bail bond agent. A person licensed as a bail bond agent shall hold the license for at least two years prior to owning or being an officer of a licensed general bail bond agent.

4. A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.

5. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

6. Any person who violates a provision of this section is guilty of a class A misdemeanor. For any subsequent violations, a person who violates a provision of this section is guilty of a class D felony.

374.704. 1. Every applicant for a bail bond agent license or a general bail bond agent license shall apply on forms furnished by the department.

2. The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent for who the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed general power of attorney from the general bail bond agent evidencing or authorizing increased monetary limits or amounts for the recognizance.

3. An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or a individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the secretary of state as provided in chapter 147, RSMo.

374.717. No professional bail bondsman or professional bail bond company, court or law enforcement officer shall:

(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:

(a) A jailer, policeman, peace officer, committing circuit judge or any other person who has power to arrest or to hold in custody any person; or

(b) Any public official or public employee;

(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;

(4) Accept anything of value from a principal except the premium; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.

[374.750. The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in section 374.755. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.]

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony **or crime involving moral turpitude**;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;



(6) Violation of, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations;**

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700 to 374.775;

(11) Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14) Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.] **suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

**3. In lieu of filing a complaint at the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

**4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.**

**374.762. 1. The judge may, at the end of the court day, upon the failure of the principal to appear either in person or by legal council, forfeit the bond and order an execution hearing not sooner than one hundred twenty days but not later than one hundred fifty days after such failure to appear. Notice of the execution hearing shall be served within ten days of such failure to appear by certified mail to the surety at the address listed on the bond or by personal service to the surety within ten days of such failure to appear at the surety's home office or to the surety's designated registered agent. Service shall be considered complete upon the mailing of such certified notice.**

**2. If at the execution hearing it is determined that judgment should be entered, the judge shall so order and a writ of fieri facias shall be filed in the office of the clerk of the court where such judgment is entered. The provisions of this subsection shall apply to all bail bonds.**

**3. The judge shall issue a warrant for failure to appear if forfeiture is entered on the bond.**

**374.764. 1. The bail bond agent or other surety shall be released from liability and all money and property deposited with the court promptly returned upon satisfaction of all of the conditions of the bond, or the bail bond agent or surety proves to the court that it is physically impossible for the defendant, bail bond agent or surety to satisfy the conditions of the bond through no fault of the bail bond agent or surety.**

**2. In cases in which subdivision (3) of this subsection is not applicable, on application filed within one hundred twenty days from the payment of judgment, the court shall order remission under the following conditions:**

**(1) Provided the bond amount has been paid within one hundred twenty days after judgment and the delay has not prevented prosecution of the principal and upon application to the court with prior notice to the prosecuting attorney of such application, such court shall direct remission of ninety-five percent of the bond amount remitted to the surety if the surety locates the principal in the custody of the sheriff in the jurisdiction where the bond was made or in another jurisdiction causing the return of the principal to the jurisdiction where the bond was made, apprehends, surrenders, or produces the principal, if the apprehension or surrender of the principal was substantially procured or**

caused by the surety, or if the location of the principal by the surety caused the adjudication of the principal in the jurisdiction in which the bond was made. If the surety, within two years of the principal's failure to appear, locates the principal in the custody of the sheriff in the jurisdiction where the bond was made or in another jurisdiction causing the return of the principal to the jurisdiction where the bond was made, apprehends, surrenders, or produces the principal, if the apprehension or surrender of the principal is substantially procured or caused by the surety, or if the location of the principal by the surety causes the adjudication of the principal in the jurisdiction in which the bond was made, the surety shall be entitled to a refund of fifty percent of the bond amount. The application for fifty-percent remission shall be filed no later than thirty days following the expiration of the two year period following the date of judgment;

(2) Remission shall be granted upon condition of the payment of court costs and of the expenses of returning the principal to the jurisdiction by the surety; or

(3) If, within one hundred twenty days after judgment, the surety surrenders the principal to the sheriff or responsible law enforcement officer, or such surrender has been denied by the sheriff or responsible law enforcement officer, or surety locates the principal in custody in another jurisdiction, the surety shall only be required to pay costs and five percent of the face amount of the bond, which amount includes all surcharges. If it is shown to the satisfaction of the court, by the presentation of competent evidence from sheriff or the holding institution that such surrender has been made or denied or that the principal is in custody in another jurisdiction or that such surrender has been made and that five percent of the face amount of the bond and all costs have been tendered to the sheriff, the court shall direct that the judgment be marked satisfied and that the writ of execution, fieri facias, be canceled.

3. A defendant shall be surrendered without the return of premium for the bond if the defendant has been guilty of:

(1) Changing his or her address without notifying the defendant's bail agent or surety in writing;

(2) Concealing one's self;

(3) Leaving the jurisdiction of the court without the written permission of the defendant's bail agent or surety or the court;

(4) Violating the defendant's contract with the bail agent or surety in a way that may do harm to the bail agent or the surety or violating the defendant's obligation to the court;

(5) The defendant's arrest for a crime other than a traffic violation or misdemeanor;

(6) The defendant's cosigner attests in writing the desire to be released from the bond;

(7) The defendant fails to pay any fee due to the surety;

(8) The defendant provides false information to the surety; or

(9) The defendant knowingly or unknowingly violates any other condition of the bond.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".

2. As used in sections 374.782 to 374.789, the following terms mean:

(1) "Department", the department of insurance of the state of Missouri;

(2) "Fugitive recovery", the tracking down and recapturing of a fugitive who has violated a bail bond agreement;

(3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down and captures a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

374.783. 1. No person shall hold himself or her self out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.

2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.

3. The department shall have power to:

(1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and

(2) Determine the sufficiency of the qualifications of applicants for licensure.

4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.

374.784. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved

by the department.

2. The basic course of training shall consist of at least forty hours of training, be taught by law enforcement personnel and include instruction in:

(1) The following areas of the law:

- (a) Constitutional law;
- (b) Procedures for arresting defendants and surrendering defendants into custody;
- (c) Civil liability;
- (d) The civil rights of persons who are detained in custody;
- (e) The use of force;

(2) Procedures for field operations, including, without limitation:

- (a) Safety and survival techniques;
  - (b) Searching buildings;
  - (c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and
  - (d) The care and custody of prisoners;
- (3) The skills required regarding:
- (a) Writing reports, completing forms and procedures for exoneration;
  - (b) Methods of arrest;
  - (c) Nonlethal weapons;
  - (d) The retention of weapons;
  - (e) Qualifications for the use of firearms;
  - (f) Defensive tactics; and
  - (g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;
- (4) The following subjects:
- (a) Demeanor in a courtroom;
  - (b) First aid used in emergencies; and
  - (c) Cardiopulmonary resuscitation.

3. No license shall be granted unless the candidate has obtained a one hundred thousand dollar bond or liability policy insuring against any damages caused by the candidate.

374.785. 1. The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one hundred thousand dollar bond or liability policy and such general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.

2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of Missouri, before or after the forfeiture of the undertaking without personal liability or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, shall accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary



qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

374.787. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations;

(2) Having been convicted of a felony or crime involving moral turpitude;

(3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;

(4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;

(5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;

(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions of duties of a surety recovery agent;

(7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.

374.788. A surety recovery agent having probable grounds to believe a subject, free on their bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:

(1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;

(2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and

(3) Peacefully enter upon private or public property in a reasonable manner to execute an arrest of a subject.

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:

(1) Holds himself or herself out to be a licensed surety recovery agent within this state;

(2) Claims that he or she can render surety recovery agent services; or

(3) Engage in fugitive recovery in this state.

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for



such damages and may be liable for punitive damages."

Representative Patek raised a point of order that **House Amendment No. 28** is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Kissell, **House Amendment No. 28** was adopted.

Representative Crawford offered **House Amendment No. 29**.

**House Amendment No. 29** was withdrawn.

Representative Ostmann offered **House Amendment No. 29**.

*House Amendment No. 29*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 5 of said page, by inserting immediately after the number "195.246," the number "211.073,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting immediately after the number "195.246," the number "211.073,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, Section A, Line 23 of said page, by inserting immediately after the number "195.215," the number "211.073,"; and

Further amend said bill, Page 29, Section 195.215, Line 8 of said page, by inserting after all of said line the following:

"211.073. 1. The court may, in a case when the offender is under seventeen years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. **The court may suspend imposition of an adult criminal sentence in addition to such juvenile disposition.** Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section if:

(1) A facility is designed and built by the division of youth services specifically for offenders sentenced pursuant to this section and if the division determines that there is space available, based on design capacity, in the facility; and

(2) Upon agreement of the division.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of seventeen, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed."

On motion of Representative Ostmann, **House Amendment No. 29** was adopted.

Representative Richardson offered **House Amendment No. 30**.

*House Amendment No. 30*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 98, Section 570.030, Line 10 of said page, by inserting immediately after the word "boardinghouse" the following: ";

**(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels"; and**

Further amend said bill, Page 104, Section 570.120, Lines 11 to 22 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"6. [Notwithstanding any other provisions of law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check.] **Notwithstanding any other provision of law to the contrary:**

**(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney shall collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;**

**(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed thirty dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument."**

On motion of Representative Richardson, **House Amendment No. 30** was adopted.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Relford Reynolds Rizzo Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 068

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Foster Froelker  
Gaskill Gibbons Graham 106 Griesheimer Gross  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Holand Howerton Kasten Kelley 47 King  
Klindt Legan Levin Linton Lograsso  
Long Luetkemeyer Marble McClelland Merideth  
Miller Murphy Myers Naeger Ostmann  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Shields Summers  
Townley Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Enz Evans Hohulin Leake Loudon  
Nordwald Secrest Surface Vogel

VACANCIES: 003

On motion of Representative Hosmer, **HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, as amended**, was adopted.

On motion of Representative Hosmer, **HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, as amended**, was ordered perfected and printed.

On motion of Representative Crump, the House recessed until 2:00 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Tracy Gillam.

### HOUSE RESOLUTION OFFERED

House Resolution No. 869 - Representative Harlan

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 855 - Representative Merideth

House Resolution No. 856 and House Resolution No. 857 - Representative Backer

House Resolution No. 858 - Representatives Murray, Shelton and Foley

House Resolution No. 859 and House Resolution No. 860 - Representatives Hartzler (124) and King

House Resolution No. 861 - Representative Relford

House Resolution No. 862 - Representative Boucher

House Resolution No. 863 - Representative Gibbons

House Resolution No. 864 and House Resolution No. 865 - Representative Berkowitz

House Resolution No. 866 - Representative Scott

House Resolution No. 867 - Representative Graham (106)

House Resolution No. 868 - Representative Patek

House Resolution No. 870 - Representative Wiggins

### COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 17** and **HCS HB 13**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

### PERFECTION OF HOUSE BILLS

**HB 277, as amended, with House Amendment No. 2, pending**, relating to insurance coverage, was taken up by Representative Carter.

**House Amendment No. 2** was withdrawn.

Representative Abel offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Bill No. 277, Page 1, Section 1, Line 3, by deleting the words "automobile or homeowner's" and inserting in lieu thereof the following: "**private passenger automobile**"; and



Further amend said section, lines 4-5, by deleting the words "or homeowner's";

On motion of Representative Abel, **House Amendment No. 2** was adopted.

On motion of Representative Carter, **HB 277, as amended**, was ordered perfected and printed.

**HCS HB 180**, relating to dry cleaning environmental response fund, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS HB 180**.

Representative Marble offered **House Amendment No. 1**.

**House Amendment No. 1** was withdrawn.

Representative Marble offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 180, Page 6, Section 2, Line 20 of said page, by inserting immediately after the word "**state**" the words:

**"pursuant to applicable federal laws and regulations"**.

On motion of Representative Marble, **House Amendment No. 1** was adopted.

Representative Lograsso offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 180, Page 27, Section 12, Line 23, by adding the following at the end of said line:

"Section 13. No rule or portion of rule promulgated pursuant to Sections 1 through 12 shall become effective unless it has been promulgated pursuant to the provisions of Chapter 536, RSMo."

On motion of Representative Lograsso, **House Amendment No. 2** was adopted.

Representative Marble offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 180, Page 20, Section 8, Lines 19-20 of said page, by deleting the words: "**five hundred**" and inserting in lieu thereof the words: "**two hundred fifty**"; and

Further amend said bill, Page 20, Section 8, Lines 23 to 24 of said page, by deleting the words: "**one thousand or less than one hundred**" and inserting in lieu thereof the words: "**five hundred or less than fifty**"; and

Further amend said bill, Page 22, Section 9, Line 19 of said page, by deleting the word: "**ten**" and inserting in lieu thereof the

word: **"five"**; and

Further amend said bill, Page 22, Section 9, Lines 22 and 23 of said page, by deleting the words: **"ten dollars per gallon or less than one dollar"** and inserting in lieu thereof the words: **"five dollars per gallon or less than fifty cents"**; and

Further amend said bill, Page 23, Section 9, Line 2 of said page, by deleting the number: **"1.00"** and inserting in lieu thereof the number: **"0.50"**; and

Further amend said bill, Page 23, Section 9, Line 3 of said page, by deleting the number: **"1.00"** and inserting in lieu thereof the number: **"0.50"**; and

Further amend said bill, Page 23, Section 9, Line 5 of said page, by deleting the number: **"1.00"** and inserting in lieu thereof the number: **"0.50"**.

Representative Scheve assumed the Chair.

On motion of Representative Marble, **House Amendment No. 3** was adopted by the following vote:

AYES: 091

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Bonner Burton Champion Chrismer

Cierpiot Crawford Davis 63 Dolan Elliott

Evans Farnen Fitzwater Foster Franklin

Froelker Gaskill Gibbons Graham 106 Graham 24

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 King Kissell Klindt

Lawson Legan Levin Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

McBride McClelland Merideth Miller Murphy

Myers Naeger Nordwald O'Toole Ostmann

Overschmidt Patek Pouche Purgason Ransdall

Reid Reinhart Relford Ridgeway Robirds

Ross Sallee Scheve Schwab Scott

Shields Skaggs Stokan Summers Surface

Thompson 37 Townley Tudor Wiggins Williams 159

Wright

NOES: 058

Abel Auer Barry 100 Berkowitz Boucher

Boykins Bray 84 Britt Campbell Carter

Clayton Crump Daniel Davis 122 Days

Dougherty Ford Fraser Gambaro George

Gratz Green Gunn Hagan-Harrell Hampton

Harlan Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Koller Lakin  
Liese May 108 Mays 50 McKenna McLuckie  
Monaco Murray O'Connor Parker Reynolds  
Rizzo Schilling Seigfreid Selby Shelton  
Smith Thompson 72 Van Zandt Wagner Ward  
Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Backer Enz Foley Kreider Leake  
Pryor Richardson Secrest Treadway Troupe  
Vogel

VACANCIES: 003

On motion of Representative Hoppe, **HS HCS HB 180, as amended**, was adopted.

On motion of Representative Hoppe, **HS HCS HB 180, as amended**, was ordered perfected and printed.

**HCS HBs 192 & 945**, relating to telemarketing practices, was taken up by Representative Davis (122).

Representative Davis (122) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 1, Section 1, Line 14 by striking the first occurrence of the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend House Committee Substitute for House Bill No. 192, Page 1, Section 1, Line 14 by striking the second occurrence of the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend House Committee Substitute for House Bill No. 192, Page 1, Section 1, Line 16 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend House Committee Substitute for House Bill No. 192, Page 1, Section 1, Line 20 by striking the word "**customer**" and inserting in lieu thereof the word "**consumer**"; and

Further amend House Committee Substitute for House Bill No. 192, Page 2, Section 2, Line 2 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend House Committee Substitute for House Bill No. 192, Page 2, Section 2, Line 9 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 3, section 2, line 37 by striking the word "**customers**" and inserting in lieu thereof the word "**consumers**"; and

Further amend said bill, page 3, section 3, line 6 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 3, section 3, line 7 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 3, section 3, line 9 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 3, section 3, line 10 by striking the word "**person's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 3, section 3, line 11 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 3, section 3, line 13 by striking the word "**person's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 3, section 3, line 14 by striking the word "**person's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 3, section 3, line 16 by striking the word "**person's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 3, section 3, line 17 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 3, section 3, line 22 by striking the word "**person's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 25 by striking the word "**customer**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 4, section 3, line 26 by striking the word "**customer's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 28 by striking the first occurrence of the word "**customer's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 28 by striking the second occurrence of the word "**customer's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 30 by striking the word "**customer's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 35 by striking the word "**customer**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 4, section 3, line 37 by striking the word "**customer's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 38 by striking the word "**customer**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 4, section 3, line 39 by striking the word "**customer's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 4, section 3, line 42 by striking the word "**customer**" and inserting in lieu thereof the word



"**consumer**"; and

Further amend said bill, page 4, section 4, line 9 by striking the word "**customer**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 5, section 4, line 11 by striking the word "**customer**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 6, section 6, line 41 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 6, section 6, line 41 by striking the word "**person's**" and inserting in lieu thereof the word "**consumer's**"; and

Further amend said bill, page 6, section 6, line 42 by striking the word "**person**" and inserting in lieu thereof the word "**consumer**"; and

Further amend said bill, page 6, section 6, line 42 by striking the word "**caller**" and inserting in lieu thereof the word "**seller**".

On motion of Representative Davis (122), **House Amendment No. 1** was adopted.

Speaker Pro Tem Kreider resumed the Chair.

Representative Relford offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 6, Section 6, Line 44, by striking the "." on said line and inserting in lieu thereof a ";"; and

Further amend said line by inserting after all of said line the following:

**"(d) by any telemarketer who is an employee, a contract employee or an independent contractor of a telecommunications company certified by the public service commission or licensed by the federal communications commission."**

Speaker Gaw assumed the Chair.

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

**House Substitute Amendment No. 1 for House Amendment No. 2** was withdrawn.

Representative Relford moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Kissell offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 2, Section 2.2(1), Lines 12-14, by striking all of said lines and inserting in lieu thereof the following:

(1) The seller or telemarketer's identifiable name and the address or telephone number where the seller or telemarketer can

be reached;

On motion of Representative Kissell, **House Amendment No. 3** was adopted.

Representative Backer offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 4, Section 4.1, Lines 2 and 3, by striking the following:

"records of all financial transactions, written notices, disclosures and acknowledgements"

and insert in lieu thereof the following:

"all verifiable authorizations and records as required in this act"

On motion of Representative Backer, **House Amendment No. 4** was adopted.

Representative Alter offered **House Amendment No. 5**.

Representative Monaco raised a point of order that **House Amendment No. 5** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Green offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Section 1, Page 1, by inserting before all of said section the following:

"407.020. 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in this section shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) Any institution or company that is under the direction and supervision of the director of the department of insurance, **director of the division of credit unions**, or director of the division of finance, unless the directors of such divisions specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class D felony.

4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which makes, either orally or in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Green, **House Amendment No. 5** was adopted.

Representative Summers offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 2, Section 2.2(4), Lines 19 and 20, by striking all of said lines and inserting on page 3 after line 40 the following:

"3. A telemarketer may not misrepresent any material aspect of the performance, quality, efficacy, nature or basic characteristics of merchandise that is the subject of a telemarketing sales call;" and renumber said section accordingly.

On motion of Representative Summers, **House Amendment No. 6** was adopted.

Representative Elliott offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 6, Section 6, Line 44, by inserting immediately after the word "**organization**" the following: "; or

**(4) By any person, organization, or entity regulated by a state or federal department, division, board, commission or agency".**

Representative Kissell raised a point of order that **House Amendment No. 7** is dilatory.

The Chair ruled the point of order not well taken.

Representative Elliott moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Bennett offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill Nos. 192 & 945, Page 6, Section 6, Line 44, by inserting after all of said line the following:

**"Section 7. No telemarketer in this state engaged in telemarketing shall knowingly and willfully prevent by any means such telemarketer's telephone number from appearing on any consumer's caller identification system.";** and



Further amend the title and enacting clause accordingly.

Representative Bennett moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

On motion of Representative Davis (122), **HCS HBs 192 & 945, as amended**, was adopted.

On motion of Representative Davis (122), **HCS HBs 192 & 945, as amended**, was ordered perfected and printed.

**HCS HB 723**, relating to motor vehicles, was taken up by Representative Koller.

Representative Koller offered **HS HCS HB 723**.

Representative Koller offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 39, Section 301.025, Line 4 of said page, by inserting after all of said line the following:

"4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector will notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed shall remain in effect for the current registration period and no renewal of registration shall be allowed. Upon the owner furnishing proof of payment of such taxes and paying a twenty-dollar reinstatement fee to the director of revenue the motor vehicle registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

Representative Backer offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

for

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 39, Section 301.025, Line 4 of said page, by inserting after all of said line the following:

"4. Beginning July 1, 2000, a county or township collector shall notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector will notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector shall notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address,



and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue shall provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed shall remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. The Missouri state highway patrol shall, upon notification from the department of revenue, seize the license plates on the vehicle of the owner. Upon the owner furnishing proof of payment of such taxes and paying a twenty-dollar reinstatement fee to the director of revenue the motor vehicle registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

On motion of Representative Backer, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Williams (159) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 92, Section 303.179, Line 12, by inserting immediately after said line the following:

"304.027. 1. Notwithstanding any other law to the contrary, no golf cart may be operated upon the highways of this state unless it has all of the following: efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the golf cart. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

2. The golf cart shall be operated at speeds of less than twenty miles per hour. The operator shall observe all traffic laws and local ordinances regarding the rules of the road.

3. A golf cart may be operated only during the hours between sunrise and sunset, unless the governing body of the municipality or county has determined by ordinance that a golf cart may be operated during such hours. A golf cart operated after sunset and before sunrise shall have all of the following: a headlight that emits a white light visible from a distance of five hundred feet to the front, a tail lamp that emits a red visible form at least one hundred feet from the rear, brake lights and turn signals.

4. No persons shall operate a golf cart:

(1) In any careless way so as to endanger the person or property of another; or

(2) While under the influence of alcohol or any controlled substance.

5. No owner of a golf cart, which shall be operated or driven upon the highways of this state, shall be required to register the golf cart with the department of revenue so long as the golf cart is operated in accordance with this section.

6. No golf cart owner shall be required to maintain the financial responsibility required by chapter 303, RSMo, if the golf cart is operated in accordance with this section.

7. A person operating a golf cart in accordance with this section is exempt from obtaining a driver's license under chapter 302, RSMo.

8. For purposes of this section a "golf cart" means a vehicle having not less than three wheels in contact with the ground, having an unladen weight less than eighteen hundred pounds, which is designed to be and is operated at not more than twenty miles per hour and is designed to carry golf equipment and not more than four persons, including the driver."; and

Further amend the title and enacting clause accordingly.

Representative Williams (159) moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Scheve offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 59, Section 307.350, Line 9 of said page, by inserting after the number "2." the following: "**Political subdivisions shall submit annually annual maintenance reports identifying the mechanical improvements or general maintenance performed on all of the political subdivision's emergency vehicles, as defined in section 307.175, which are operated by any member of a paid fire department, paid ambulance district or paid rescue squad, even if such vehicles are otherwise not required to be registered in this state. The superintendent of the Missouri state highway patrol shall prescribe forms for such maintenance reports. The maintenance reports shall be made available to the public upon request pursuant to section 610.023, RSMo.**

**3. The provisions of subsection 2 of this section shall not apply to vehicles owned or used by volunteer fire protection districts or volunteer fire departments.**

**4.";** and

Further amend said bill, Page 59, Section 307.350, Line 18 of said page, by deleting the number "3." and inserting in lieu thereof the following "[3.] **5.**"; and

Further amend said bill, Page 60, Section 307.350, Line 2 of said page, by deleting the number "4." and inserting in lieu thereof the following "[4.] **6.**".

Representative Scheve moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 043

Barry 100 Bonner Boykins Bray 84 Britt

Campbell Carter Clayton Daniel Days

Dougherty Foley Ford Franklin Fraser

George Gunn Hagan-Harrell Harlan Hickey

Hilgemann Hollingsworth Kelly 27 Kennedy Lakin

Lawson Liese May 108 Monaco Murray

O'Connor O'Toole Reynolds Rizzo Scheve

Schilling Shelton Thompson 72 Treadway Van Zandt

Williams 121 Wilson Mr. Speaker

NOES: 102

Abel Akin Alter Auer Ballard

Barnett Bartelsmeyer Bartle Berkowitz Berkstresser

Black Blunt Boatright Boucher Burton

Champion Chrismer Cierpiot Crawford Crump

Davis 122 Davis 63 Dolan Elliott Evans

Farnen Fitzwater Foster Gambaro Gaskill

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Hosmer  
Howerton Kasten Kelley 47 King Kissell  
Klindt Koller Kreider Legan Levin  
Linton Lograsso Loudon Luetkemeyer Luetkenhaus  
Marble McBride McClelland McKenna McLuckie  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Seigfreid Selby  
Shields Smith Stokan Summers Surface  
Townley Tudor Wagner Ward Wiggins  
Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Backer Bennett Enz Froelker Green  
Hoppe Leake Long Mays 50 Pryor  
Secrest Skaggs Thompson 37 Troupe Vogel

VACANCIES: 003

Representative Smith offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 43, Section 301.140, Line 17, by adding all of the following to the end of said line:

**"301.141 1. As used in this section, the following terms mean:**

- (1) "Commission", the Missouri commission for the deaf, established by section 161.400, RSMo;**
  - (2) "Deaf person", any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversational tone regardless of the use of amplification devices;**
  - (3) "Hearing impaired person", any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone;**
  - (4) "J88", a notation on a driver's license that indicates the person is a deaf or hearing impaired person who uses alternative communication.**
- 2. The commission shall design and issue a removable windshield placard that may be hung from the rearview mirror of a motor vehicle operated by a deaf or hearing impaired person and a decal which may be affixed to the lower left corner of the rear window of a motor vehicle.**
- 3. Any resident of this state who is a deaf or hearing impaired person may apply to the commission for the placard**

and the decal described in subsection 2 of this section. The commission, by rule, may establish criteria for issuance and distribution of the placards and decals, such as requiring an applicant to submit certain medical proof of deafness or hearing impairment. The fee for a placard or a decal shall not exceed two dollars.

4. The commission shall promote public awareness of the meaning of the placards and the decals prior to or in conjunction with the issuance thereof.

5. Any resident of this state who is a deaf or hearing impaired person may apply to the Department of Revenue to have the notation "J88" placed on the person's driver's license. The Department of Revenue, by rule, may establish the cost and criteria for placement of the "J88" notation, such as requiring an applicant to submit certain medical proof of deafness or hearing impairment.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Smith, **House Amendment No. 4** was adopted by the following vote:

AYES: 108

Abel Akin Barnett Bartelsmeyer Bartle  
Berkowitz Berkstresser Black Blunt Bonner  
Boucher Boykins Britt Campbell Carter  
Chrismer Cierpiot Clayton Crawford Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Evans Farnen Fitzwater Ford Fraser  
Gaskill George Graham 106 Graham 24 Green  
Gross Gunn Hampton Hanaway Harlan  
Hartzler 123 Hegeman Hilgemann Hohulin Holand  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kissell Klindt Koller Kreider Lakin  
Lawson Legan Levin Linton Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Nordwald O'Toole Ostmann Overschmidt Parker  
Patek Purgason Ransdall Reid Reinhart  
Relford Reynolds Robirds Ross Sallee  
Schilling Seigfreid Selby Shields Smith  
Stokan Surface Thompson 72 Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Wilson Wright Mr. Speaker

NOES: 037

Alter Auer Ballard Boatright Bray 84  
Burton Champion Foley Foster Franklin  
Gambaro Gibbons Gratz Griesheimer Hartzler 124



Hendrickson Hickey Hollingsworth Hoppe Kennedy

King Liese Lograsso Naeger O'Connor

Pouche Richardson Ridgeway Rizzo Scheve

Schwab Scott Shelton Summers Townley

Treadway Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 015

Backer Barry 100 Bennett Crump Dolan

Enz Froelker Hagan-Harrell Leake Long

Pryor Secrest Skaggs Thompson 37 Vogel

VACANCIES: 003

Representative Rizzo offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 7 of said page, by inserting before the number "303.024" the following: "302.510, 302.520, 302.541,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by inserting before the number "577.021" the following: "577.012"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page by deleting the word "thirty-seven" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting before the number "577.021" the following: "302.510, 302.520, 302.541, 577.012"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by inserting after the number "302.321," the following: "302.510, 302.520, 302.541, 577.012,"; and

Further amend said bill, Page 7, Section 302.302, Line 22 of said page, by inserting after the word "weight" the following: ", **driving with a blood alcohol content of eight-hundredths of one percent or more by weight if a motor vehicle accident resulting in a fatality occurred**"; and

Further amend said bill, Page 8, Section 302.302, Line 3 of said page, by inserting after the word "weight" the following: ", **driving with a blood alcohol content of eight-hundredths of one percent or more by weight if a motor vehicle accident resulting in a fatality occurred**"; and

Further amend said bill, Page 18, Section 302.321, Line 4 of said page, by inserting after all of said line, the following:

"302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was ten-hundredths, **or, if a motor vehicle accident resulting in a fatality occurred, eight-hundredths** of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a verified report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court.

2. The report required by this section shall be made on forms supplied by the department or in a manner specified by regulations of the department.

3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been certified by the director of the department of public safety pursuant to the provisions of sections 590.100 to 590.180, RSMo.

302.520. 1. Whenever the chemical test results are available to the law enforcement officer while the arrested person is still in custody, and where the results show an alcohol concentration of ten-hundredths, **or, if a motor vehicle accident resulting in a fatality occurred, eight-hundredths** of one percent or more by weight of alcohol in such person's blood or where such person is less than twenty-one years of age and the results show that there is two-hundredths of one percent or more of alcohol in the person's blood, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation personally on the arrested person.

2. When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license issued by this state, the officer, acting on behalf of the department, shall issue a temporary permit which is valid for fifteen days after its date of issuance and shall also give the person arrested a notice which shall inform the person of all rights and responsibilities pursuant to sections 302.500 to 302.540. The notice shall be in such form so that the arrested person may sign the original as evidence of receipt thereof. The notice shall also contain a detachable form permitting the arrested person to request a hearing. Signing the hearing request form and mailing such request to the department shall constitute a formal application for a hearing.

3. A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the notice of rights and responsibilities given to the arrested person, including any request for hearing, and any driver's license taken into possession pursuant to this section shall be forwarded to the department by the officer along with the report required in section 302.510.

4. The department shall provide forms for notice of suspension or revocation, for notice of rights and responsibilities, for request for a hearing and for temporary permits to law enforcement agencies.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of ten-hundredths, **or, if a motor vehicle accident resulting in a fatality occurred, eight-hundredths** of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with ten-hundredths of one percent or more by weight of alcohol in such person's blood, **or if such person operates a motor vehicle in this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood and such person is involved in a motor vehicle accident which results in a fatality.**

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class C misdemeanor."; and

Further amend said bill, Page 23, Section 577.037, Line 20 of said page, by inserting after the word "ten-hundredths" the following **"or, if a motor vehicle accident resulting in a fatality occurred, eight-hundredths"**; and

Further amend said bill, Page 24, Section 577.037, Line 20 of said page, by inserting after the word "ten-hundredths" the following **"or, if a motor vehicle accident resulting in a fatality occurred, eight hundredths"**.

Representative Gaskill offered **House Substitute Amendment No. 1 for House Amendment No. 5.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 5*



AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 6 of said page, by inserting after the number "302.321" the following: "302.505, 302.510, 302.520, 302.541, 577.012"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting after the number "302.321" the following: "302.505, 302.510, 302.520, 302.541, 577.012"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by inserting after the number "302.321" the following: "302.505, 302.510, 302.520, 302.541, 577.012"; and

Further amend said bill, Page 7, Section 302.302, Line 21 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the phrase "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 8, Section 302.302, Line 2 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the phrase "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 18, Section 302.321, Line 4 of said page, by inserting after all of said line the following:

"302.505. 1. The department shall suspend or revoke the license of any person upon its determination that the person was arrested upon probable cause to believe such person was driving a motor vehicle while the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight, based on the definition of alcohol concentration in section 302.500, or where such person was less than twenty-one years of age when stopped and was stopped upon probable cause to believe such person was driving while intoxicated in violation of section 577.010, RSMo, or driving with excessive blood alcohol content in violation of section 577.012, RSMo, or upon probable cause to believe such person violated a state, county or municipal traffic offense and such person was driving with a blood alcohol content of two-hundredths of one percent or more by weight.

2. The department shall make a determination of these facts on the basis of the report of a law enforcement officer required in section 302.510, and this determination shall be final unless a hearing is requested and held. If a hearing is held, the department shall review the matter and make a final determination on the basis of evidence received at the hearing.

3. The determination of these facts by the department is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect any suspension or revocation under this section.

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a verified report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court.

2. The report required by this section shall be made on forms supplied by the department or in a manner specified by regulations of the department.

3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been certified by the director of the department of public safety pursuant to the provisions of sections 590.100 to 590.180, RSMo.

302.520. 1. Whenever the chemical test results are available to the law enforcement officer while the arrested person is still in custody, and where the results show an alcohol concentration of [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in such person's blood or where such person is less than twenty-one years of age and the results show that there is two-hundredths of one percent or more of alcohol in the person's blood, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation personally on the arrested person.

2. When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license issued by this state, the officer, acting on behalf of the department, shall issue a temporary permit which is valid for fifteen days after its date of issuance and shall also give the person arrested a notice which shall inform the person of all rights and responsibilities pursuant to sections 302.500 to 302.540. The notice shall be in such form so that the arrested person may sign the original as evidence of receipt thereof. The notice shall also contain a detachable form permitting the arrested person to request a hearing. Signing the hearing request form and mailing such request to the department shall constitute a formal application for a hearing.

3. A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the notice of rights and responsibilities given to the arrested person, including any request for hearing, and any driver's license taken into possession pursuant to this section shall be forwarded to the department by the officer along with the report required in section 302.510.

4. The department shall provide forms for notice of suspension or revocation, for notice of rights and responsibilities, for request for a hearing and for temporary permits to law enforcement agencies.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of [ten-hundredths] **eight-hundredths** of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class C misdemeanor."; and

Further amend said bill, Page 23, Section 577.037, Line 20 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the phrase "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 24, Section 577.037, Line 20 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the phrase "[ten-hundredths] **eight-hundredths**".

Representative Rizzo raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 5** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

On motion of Representative Gaskill, **House Substitute Amendment No. 1 for House Amendment No. 5** was adopted by the following vote:

AYES: 095

Akin Alter Backer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Berkowitz Black

Blunt Boatright Bonner Boucher Boykins

Bray 84 Burton Carter Champion Chrismer

Cierpiot Daniel Davis 122 Days Dolan

Elliott Evans Farnen Fitzwater Foster

Franklin Fraser Gambaro Gaskill Graham 106

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hendrickson Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kennedy

King Kissell Klindt Lakin Legan



Levin Linton Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McLuckie Miller Monaco Myers Nordwald  
Ostmann Patek Ransdall Reid Relford  
Rizzo Robirds Sallee Schilling Scott  
Seigfreid Smith Stokan Summers Surface  
Thompson 72 Tudor Van Zandt Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 047

Abel Auer Berkstresser Britt Campbell  
Clayton Crawford Crump Foley George  
Gibbons Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hegeman Hickey  
Hohulin Kelly 27 Kreider Lawson Liese  
Lograsso McKenna Merideth Murray Naeger  
O'Connor O'Toole Overschmidt Pouche Purgason  
Reinhart Reynolds Ridgeway Ross Scheve  
Schwab Selby Shelton Shields Townley  
Treadway Wagner

PRESENT: 000

ABSENT WITH LEAVE: 018

Bennett Davis 63 Dougherty Enz Ford  
Froelker Koller Leake Long Murphy  
Parker Pryor Richardson Secrest Skaggs  
Thompson 37 Troupe Vogel

VACANCIES: 003

Representative Gratz offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 3 of said page, by deleting the numbers "303.042, 303.043,"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the number "303.025,"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-five" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 1, In the Title, Lines 13 and 14, by deleting the phrase "and effective dates" and inserting in lieu thereof the following: ", effective dates and an expiration date for certain sections"; and

Further amend said bill, Page 6, Section 302.302, Lines 11 to 15 of said page, by deleting all of said lines and inserting in lieu thereof the following: "than a violation of vehicle equipment provisions .....2 points"; and

Further amend said bill, Page 77, Section D, Lines 12 to 17 of said page, by deleting all of said section and inserting in lieu thereof the following: "Section D. Section 303.041, RSMo 1994, and sections 303.024 and 303.026, RSMo Supp. 1998, are repealed and eight new sections enacted in lieu thereof, to be known as sections 303.024, 303.026, 303.041, 303.175, 1, 2, 3 and 4, to read as follows:"; and

Further amend said bill, Pages 77 to 91, Section 302.303, Section 303.024, Section 303.025, Section 303.026, Section 303.041, Section 303.042, Section 303.043, Section 303.172, by deleting all of said sections and inserting in lieu thereof the following:

"303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall, **except for those insurers and agents of insurers which are providing to the designated agent records of each policy issued, canceled, terminated, suspended or revoked pursuant to section 4 of this act**, furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

2. The insurance identification card shall include all of the following information:

- (1) The name and address of the insurer;
- (2) The name of the named insured;
- (3) The policy number;
- (4) The effective dates of the policy, including month, day and year;
- (5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five or more motor vehicles; and
- (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

- (1) Name of the self-insurer;
- (2) The word "self-insured"; and
- (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card [, the officer or inspector shall notify the director of revenue, in the manner determined by the director, and the officer or inspector] **and beginning July 1, 2001, if the officer's or inspector's check of the motor vehicle's license number in the motorist insurance identification database as provided in sections 1 and 2 of this act reveals that the owner of such motor vehicle is not currently maintaining liability insurance in compliance with this chapter the officer or inspector** may issue a citation to the operator pursuant to subsection 6 of this section. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card **or the motorist insurance identification database**.

6. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector pursuant to this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation.

303.026. 1. The director shall inform each owner who registers a motor vehicle of the following:

- (1) The existence of the requirement that every motor vehicle owner in the state must maintain his **or her** financial responsibility;
- (2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility **such as insurance information contained in the motorist insurance identification database** at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;
- (3) The penalties which apply to violations of the requirement to maintain financial responsibility;

(4) The benefits of maintaining coverages in excess of those which are required;

(5) The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance.

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or [his] **such owner's** authorized agent, signs an affidavit provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime [under] **pursuant to** section 575.050 of Missouri law." In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility [in the form prescribed by the director of revenue] **such as insurance information contained in the motorist insurance identification database** at the time of registration unless such owner registers [his] **such owner's** vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.

3. The director shall annually select for financial responsibility verification, a sample of the motor vehicle registrations or licenses which is statistically significant to determine the number of insured motorists in the state of Missouri, or to insure compliance. The director may utilize a variety of sampling techniques including but not limited to the processing of uniform traffic tickets, point system warning letters, and random surveys of motor vehicle registrations. The director of revenue may verify the financial responsibility of any person reported [under] **pursuant to** section 303.040.

4. Upon determination that the information provided by the owner or authorized agent is inaccurate, the director shall notify the owner of the need to provide, within thirty days, information establishing the existence of the required financial responsibility as of the date of such notice. Failure to provide such information shall result in the suspension of all registrations of the owner's motor vehicles failing to meet such requirements, as is provided in section 303.041.

303.041. 1. **If the motorist insurance identification database indicates that the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall mail a notice to the owner. The owner shall, within twenty-three days of the mailing of the notice, present satisfactory proof of insurance to the designated agent, or the designated agent shall list the owner as uninsured in the motorist insurance identification database.**

2. If the director determines that the operator or owner of a motor vehicle has not maintained the financial responsibility required in section 303.025 as a result of a financial responsibility verification sample as provided for in section 303.026, [or] as a result of an accident report as required by section 303.040, or [either] **as a result of the motorist insurance identification database program as provided in sections 1 to 4 of this act**, the director shall [thirty-three] **twenty-three** days after mailing notice to the owner or operator, suspend the license of the owner or operator, or both, and all registrations of the owner's motor vehicles failing to meet such requirement. The notice of suspension shall be mailed to the person at the last known address shown on the department's records, and to the address provided by the accident report if that address differs from the address of record. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made.

[2.] 3. If any person shall neglect or refuse to surrender [his] **such person's** license or registration within fifteen days of the suspension or revocation date, a fee of twenty-five dollars shall be assessed for each month or portion thereof that the license or registration is not surrendered, not to exceed three hundred dollars."; and

Further amend said bill, Pages 91 and 92, Section 303.178, Section 303.179, Section E, by deleting all of said sections and inserting in lieu thereof the following:

**"Section 1. 1. Sections 1 and 2 of this act shall be known and may be cited as the "Motorist Insurance Identification Database Program Act".**

**2. As used in sections 1 and 2 of this act, the following terms mean:**

(1) **"Database"**, the motorist insurance identification database;

(2) **"Department"**, the department of revenue;

(3) **"Designated agent"**, the party with which the department contracts to implement the motorist insurance identification database program;

(4) **"Program"**, the motorist insurance identification database program.

**3. The "Motorist Insurance Identification Database Program" is hereby created, subject to appropriation, for the purpose of establishing a database to use to verify compliance with the motor vehicle financial responsibility requirements of chapter 303, RSMo. The program shall be administered by the department.**

**4. To implement the program, the department shall, no later than January 1, 2001, contract with a designated agent which shall monitor compliance with the motor vehicle financial responsibility requirements of chapter 303, RSMo; except that the department shall not enter into any contract until at least two entities bid on such contract. After the**



department has entered into a contract with a designated agent, the department shall convene a working group for the purpose of facilitating the implementation of the program. The working group shall consist of representatives from the insurance industry, the department of insurance, the department of public safety and the department of revenue.

5. The designated agent, using its own computer network, shall, no later than July 1, 2001, develop and maintain a computer database with information provided by:

(1) Insurers, pursuant to section 1 of this act; except that, any person who qualifies as self-insured pursuant to chapter 303, RSMo, shall not be required to provide information to the designated agent; and

(2) The department, which shall provide the designated agent with the name, date of birth, address and driver's license number of all persons in its computer database, and the make, year and vehicle identification number of all registered motor vehicles.

6. The department shall establish guidelines for the designated agent's development of the computer database so the database can be easily accessed by state and local law enforcement agencies within procedures already established. Once the database is running, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database.

7. Information provided to the designated agent by insurers and the department for inclusion in the database established pursuant to this section is the property of the insurer or the department, as the case may be, and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may not be disclosed except as follows:

(1) The designated agent shall verify a person's insurance coverage upon request by any state or local government agency investigating, litigating or enforcing such person's compliance with the motor vehicle financial responsibility requirements of chapter 303, RSMo;

(2) The department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

(a) The individual;

(b) The parent or legal guardian of an individual if the individual is an unemancipated minor;

(c) The legal guardian of the individual if the individual is legally incapacitated;

(d) Any person who has power of attorney from the individual;

(e) Any person who submits a notarized release from the individual that is dated no more than ninety days before the date the request is made;

(f) Any person suffering loss or injury in a motor vehicle accident in which the individual is involved;

(g) The office of the state auditor, for the purpose of conducting any audit authorized by law.

8. Any person or agency who knowingly discloses information from the database for a purpose, or to a person, other than those authorized in this subsection is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act or omission.

9. This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of chapter 303, RSMo.

10. The departments of revenue and insurance shall establish reporting guidelines for all insurers actively writing motor vehicle liability policies and for reporting to the general assembly. Any report to the general assembly shall include the current rates of uninsured motorists and the rate of uninsured motorists for fiscal year 2000. The department shall promulgate any rules and regulations necessary to administer and enforce this section. Such rules shall specify the reporting requirements that are necessary and appropriate for and shall be developed with input from the insurers and designated agent. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. Any person who presents an altered or counterfeit insurance identification card, certificate, letter or bond from an insurer or an insurer's agent for the purpose of proving motor vehicle financial responsibility for purposes of chapter 303, RSMo, is guilty of a class B misdemeanor and shall be fined five hundred dollars. Any person who violates the provisions of this section a second or subsequent time is guilty of a class A misdemeanor and shall be fined one thousand dollars and such person's uninsured motor vehicle shall be seized. It shall be an affirmative defense that the person did not know or could not have known that the present document was altered or counterfeit.

2. Any person who alters or creates a counterfeit insurance identification card, certificate, letter or bond for another



person is guilty of a class A misdemeanor and shall be fined five hundred dollars. Any person who violates the provisions of this section a second or subsequent time is guilty of a class A misdemeanor and shall be fined one thousand dollars.

Section 3. 1. By March 1, 2001, all licensed insurance companies in this state shall provide to the designated agent pursuant to section 1 of this act, a record of all policies in effect on the date the information is provided. Before the seventh working day of each calendar month, each insurer that issues a policy pursuant to chapter 303, RSMo, shall provide to the designated agent, a record of each policy in effect during the immediately preceding month. Such record shall comply with the requirements of subsections 2 and 3 of this section, except as may otherwise be provided for commercial lines of insurances in rules adopted by the department, and shall be in a form or manner acceptable to the designated agent. This subsection shall not prohibit more frequent reporting.

2. The record required pursuant to subsection 1 of this section shall include the following:

- (1) The name, date of birth, driver's license number and address of each named insured owner and operator;
- (2) The make, year and vehicle identification number of each insured motor vehicle;
- (3) The policy number, effective date and expiration date of each policy;

3. The department of revenue shall notify the department of insurance of any insurer who violates any provision of sections 1 to 3 of this act. The department of insurance shall, against any insurer who fails to comply with this section, assess a fine not greater than one thousand dollars per day of noncompliance. The department of insurance shall excuse the fine if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect.

Section 4. The provisions of sections 1 to 3 of this act shall expire on July 1, 2004.

Section E. Section D of this act shall become effective on July 1, 2001."

On motion of Representative Gratz, **House Amendment No. 6** was adopted.

Representative Williams (121) offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 76, Section 1, Line 15, by deleting all of said section and inserting in lieu thereof the following:

"Section 1. 1. Notwithstanding the provisions of section 301.020 RSMo, to the contrary, beginning January 1, 2000, the director may provide for monthly motor vehicle registrations to be divided equally with one half of the monthly motor vehicle registrations due on the 15th of the month and remaining one half of the monthly registrations due on the last day of the month."

Representative Williams (121) moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

**HCS HB 723, with HS, as amended, pending**, was laid over.

### THIRD READING OF HOUSE BILL - CONSENT

**HB 763**, relating to public records, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HB 763** was read the third time and passed by the following vote:

AYES: 134

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Davis 122 Davis 63 Days  
Dolan Elliott Evans Farnen Fitzwater  
Foley Foster Franklin Fraser Gambaro  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Lakin Lawson Legan Levin  
Liese Lograsso Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Smith  
Stokan Summers Surface Thompson 72 Townley  
Tudor Van Zandt Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Hosmer Murphy

PRESENT: 000

ABSENT WITH LEAVE: 024

Ballard Bennett Boykins Daniel Dougherty  
Enz Ford Froelker Gaskill Gunn  
Kreider Leake Linton Long McLuckie  
Pryor Richardson Secrest Skaggs Thompson 37  
Treadway Troupe Vogel Williams 121

VACANCIES: 003

Speaker Gaw declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Bray moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS#2 SB 209** - Utilities Regulation

**SCS SB 386** - Banks and Financial Institutions

**SB 451** - Public Safety and Law Enforcement

**SS SCS SB 467** - Retirement

**SB 506** - Civil and Administrative Law

#### **COMMITTEE REPORTS**

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 137**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 904**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 981**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Agriculture, to which was referred **SB 310**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SB 95**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SB 391**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SB 423**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **SCS SBs 322, 150 & 151**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SB 518**, begs leave to report it has examined the same

and recommends that the **House Committee Substitute Do Pass.**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 995**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Education - Higher**, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SB 443**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SB 460**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SBs 31 & 285**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 412**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 207**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 426**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 1021**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SJR 25**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SB 403**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 170**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SBs 295 & 46**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:



Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 12**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 81**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 90**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 139**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 153**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 214**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 220**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SB 115**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 115, Page 1, In the Title, Line 3, by deleting the phrase "one new section" and inserting in lieu thereof the phrase "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "one" and inserting in lieu thereof the word "two"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "sections enacted in lieu thereof, to be known as sections 301.441 and 1, to read as follows:"; and

Further amend said bill, Page 2, Section 301.441, Line 19, by inserting after all of said line the following:

**"Section 1. 1. Any motor vehicle owner may receive special license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight as prescribed in this section after an annual payment of an emblem-use authorization fee to a professional sports team which has made an agreement pursuant to subsection 5 of this section. For the purposes of this section a "professional sports team" shall mean an organization located in this state franchised by the National Professional Soccer League, the National Football League, the National Basketball Association, the National Hockey League, the International Hockey League, or the American League or the National League of Major League Baseball or a team playing in Major League Soccer.**

**2. The professional sports team which has made an agreement pursuant to subsection 5 of this section and which receives the emblem-use authorization fee hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. The director of revenue shall not authorize the manufacturer of the material to produce such license plates with the individual seal, logo, or emblem until the department of revenue receives a minimum of one hundred applications for each specific professional sports team.**

**3. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the professional sports team such team shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of other documents which may be required by law, the director shall issue a personalized license plate, which shall bear the official emblem of the professional sports team in a manner determined by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. A fee for the issuance of personalized license plates issued pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section.**

4. A vehicle owner, who was previously issued a plate with a professional sports team emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the professional sports team emblem, as otherwise provided by law.

5. The director of the department of revenue is authorized to make agreements with professional sports teams on behalf of the state which allows the use of any such team's official emblem pursuant to the provisions of this section as consideration for receiving a thirty-five dollar emblem-use contribution.

6. A professional sports team receiving a thirty-five dollar contribution shall forward such contribution, less an amount not in excess of five percent of the contribution for the costs of administration, to the Jackson County Sports Authority or the St. Louis Regional Convention and Visitors Commission. The moneys shall be administered as follows:

(1) The sports authority may retain not in excess of five percent of all funds forwarded to it pursuant to this section for the costs of administration and shall expend the remaining balance of such funds, after consultation with a professional sports team within the authority's area, on marketing and promoting such team. The amount of money expended from the funds obtained pursuant to this section by the authority per professional sports team shall be in the same proportion to the total funds available to be expended on such team as the proportion of contributions forwarded by the team to the authority is to the total contributions received by the authority;

(2) The regional convention and visitors commission shall hold the revenues received from the professional sports teams in the St. Louis area in separate accounts for each team. Each team may submit an annual marketing plan to the commission. Expenses of a team which are in accordance with the marketing plan shall be reimbursed by the commission as long as moneys are available in the account. The commission may retain not in excess of five percent for the costs of administration. If no marketing plan is submitted by a team, the commission shall market and promote the team.

7. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SCS SB 498**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Municipal Corporations**, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **SB 405**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 244**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 362**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 424**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **SCS SBs 8 & 173**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Public Health, to which was referred **SB 25**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass by Consent**.

Mr. Speaker: Your Committee on Public Health, to which was referred **SCS SB 379**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SCS SBs 308 & 314**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 170**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 622**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SB 7**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SB 83**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 277**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 352**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 357**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 357, Page 1, Section 1, Line 11, by deleting the word: "**again**"; and

Further amend said bill, Page 1, Section 1, Line 11, by inserting immediately after the word: "**sale**," the following:

**"The department of natural resources shall not exercise any first refusal rights on the pending land transaction and purchase contract that currently encumbers the Lillian Weis property."**

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 401**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 433**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 434**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SB 435**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 294**, begs leave to report it has examined the same and recommends that it **Do Pass**.



**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 197**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 348**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 159**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 159, Page 1, Section 135.550, Line 3, by inserting after the word "**securities**" the phrase "**or real property**"; and

Further amend said bill, Page 3, Section 135.600, Line 3, by inserting after the word "**securities**" the phrase "**or real property**".

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 219**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### **INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and copies ordered printed:

**HB 16**, introduced by Representative Franklin, to appropriate money for capital improvement and economic development projects for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

#### **INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and copies ordered printed:

**HB 1057**, introduced by Representatives Crawford, Crump, Akin, Parker, Bartelsmeyer, Williams (159) and Berkstresser, et al, relating to the preemption of the regulation of firearms.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 257**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 409**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 487**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 741**.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 17**.

Senate Concurrent Resolution No. 17

WHEREAS, political party committees perform important functions by acting for and representing their political parties; and

WHEREAS, ward committees perform an important role in acting for and representing the interest of their political party at the local level; and

WHEREAS, when a vacancy occurs in a ward committee, it is the duty of the other committee member in the same ward to appoint a replacement; and

WHEREAS, when a vacancy is not promptly filled by the other ward committee member, the ability of that ward committee to represent and act for the political party in important matters of the ward is impaired:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, that the general assembly believes for all of the above reasons, that any vacancy existing in a ward committee should be filled as soon as possible; and

BE IT FURTHER RESOLVED, should any vacancy remain unfilled for a period of thirty days, the respective ward committee shall post the date of the election and shall conduct an election for that unfilled position. The ward committee shall send the election results to the central city committee of both parties for ratification of the election results. Upon ratification, the person winning the election shall become the committee person; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be delivered to each of the established political parties in this state that has ward committee representation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 19**, entitled:

An act to repeal sections 303.041, 303.042, 303.043, 303.190, 307.353, 307.355, 307.360, 307.365, 307.390, 643.315, 643.335, 643.350 and 643.355, RSMo 1994, and sections 32.080, 136.055, 301.025, 301.140, 301.190, 302.302, 302.321, 303.024, 303.025, 303.026, 304.155, 304.156, 304.157, 304.158, 307.350, 307.366, 307.375 and 643.310, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with penalty provisions and an effective date for certain sections, and with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

#### MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

State of Missouri

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
FIRST REGULAR SESSION  
90TH GENERAL ASSEMBLY  
STATE OF MISSOURI

Herewith I return to you House Bill No. 153 entitled:

"AN ACT"

To repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new sections relating to the same subject.

On April 13, 1999, I approved said House Bill No. 153.

Respectfully submitted

/s/ Mel Carnahan

Governor

#### LETTER OF OBJECTION

Representative Steve Gaw

Speaker of the House

State Capitol - Room 308

Jefferson City, MO 65101

Mr. Speaker:

Pursuant to Rule 65(c) of the Rules of the House, we respectfully request that **Senate Bill 152** be removed from the Senate Consent Calendar.

Sincerely,

/s/ Jon Bennett No. 15 /s/ Don Kissell No. 17

/s/ Chuck Gross No. 18 /s/ Bill Luetkenhaus No. 12

/s/ Rich Chrismer No. 16 /s/ Jon Dolan No. 13

/s/ Cindy Ostmann No. 14

#### WITHDRAWAL OF HOUSE BILL

April 13, 1999

Representative Steve Gaw

Speaker, Missouri House of Representatives

State Capitol

Jefferson City, MO 65101

Dear Steve:

I respectfully request **HB 596** be withdrawn for futher consideration.

Respectfully submitted.

/s/ Ron Auer

59th Legislative District

## ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 14, 1999.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fiftieth Day, Monday, April 12, 1999, pages 1138, 1139 and 1140, by deleting House Amendment No. 2 on said pages, and inserting in lieu thereof the following:

### *House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579, Page 1, In the Title, Line 3 of said page, by inserting immediately after the number "544.170," the number "565.020,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "forty-one" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by inserting immediately after the number "544.170," the number "565.020,"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 2, Section A, Line 20 of said page, by inserting immediately before the number "565.024," the number "565.020,"; and

Further amend said bill, Page 3, Section 558.019, Line 21 of said page, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if [he] **such person** knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached [his] **such person's** sixteenth birthday at the time of the commission of the crime **or is mentally retarded as defined in section 630.005, RSMo**, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor.

**3. Evidence of mental retardation shall be heard and determined by the trial court out of hearing of the jury prior to the commencement of the trial, for the purpose of determining whether the death penalty may be imposed upon the defendant. Any evidence submitted during this pretrial phase may be submitted at trial in the presence of the jury if such evidence is relevant to any other issue."**

Pages 1135 and 1136, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".

Pages 1136 and 1137, roll call, by showing Representatives Kreider and Parker voting "aye" rather than "absent with leave".

Page 1143, roll call, by showing Representatives Bennett and Hosmer voting "no" rather than "absent with leave".

## COMMITTEE MEETINGS

### AGRICULTURE

Wednesday, April 14, 1999, 1:00 pm. Hearing Room 9. Executive session may or may not follow.

To be considered - HB 1052

### BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 14, 1999. Hearing Room 6 upon morning adjournment.

Executive session may follow. AMENDED.

To be considered - SB 175, SB 386, SB 456

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 14, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 34

#### CRIMINAL LAW

Wednesday, April 14, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 335

#### EDUCATION - ELEMENTARY AND SECONDARY

Thursday, April 15, 1999, 9:30 am. Northwest side gallery. Executive session.

AMENDED NOTICE.

To be considered - HB 54, SB 289, SB 399, SB 461

#### ELECTIONS

Wednesday, April 14, 1999, 8:30 am. Hearing Room 8.

To be considered - Executive Session - SB 346, Executive Session - SB 466,

Executive Session - SJR 23

#### ETHICS

Wednesday, April 14, 1999. Northeast side gallery upon morning adjournment.

Caucus approval: Family Farm and Women Legislators of MO.

#### FISCAL REVIEW

Thursday, April 15, 1999, 8:30 am. Hearing Room 5. Executive session.

To be considered - HB 718

#### JOINT COMMITTEE ON JOB TRAINING

Wednesday, April 14, 1999, 9:00 am. Hearing Room 6.

#### JOINT COMMITTEE ON WETLANDS

Thursday, April 15, 1999, 8:30 am. Hearing Room 7. Update and informational meeting.

Reps. from U.S. Army Corps of Engineers in attendance.

#### JUDICIARY

Thursday, April 15, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - SB 142, Executive Session - SB 266



#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 14, 1999, 9:00 am. Hearing Room 9.

To be considered - HB 1050, HCR 30, HR 62, HR 118, HR 276, SCR 1

#### MISSOURI TOBACCO SETTLEMENT

Wednesday, April 14, 1999, 8:00 am. Hearing Rooms 1 and 2.

Executive session to follow. AMENDED NOTICE.

To be considered - HB 828, HB 1029, HCR 15, HCR 24

#### PROFESSIONAL REGISTRATION & LICENSING

Thursday, April 15, 1999, 9:00 am. Hearing Room 8. Executive session will follow.

To be considered - HB 786, HB 1049, SB 325

#### PUBLIC HEALTH

Wednesday, April 14, 1999, 8:30 am. Hearing Room 7. Possible executive session.

To be considered - HB 994

#### RETIREMENT

Wednesday, April 14, 1999, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 467

#### WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Wednesday, April 14, 1999. Northwest side gallery upon morning adjournment. Executive session.

To be considered - SB 32

#### HOUSE CALENDAR

FIFTY-SECOND DAY, WEDNESDAY, APRIL 14, 1999

#### HOUSE BILL FOR SECOND READING

HB 1057

#### HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 16

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 26 - Crump

HJR 20, HCA 1 - Gratz

#### HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 18 - Franklin

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 723, HS, as amended, pending, - Koller

2 HCS HB 780 - Van Zandt

- 3 HCS HB 673 - Kissell
- 4 HCS HB 643, 710 & 711 - Bray
- 5 HB 952 - Koller
- 6 HCS HB 599 - Gunn
- 7 HB 133 - Crump
- 8 HCS HB 769 - Bray
- 9 HB 120 - Kreider
- 10 HCS HB 934 - Treadway
- 11 HCS HB 456 - Fitzwater
- 12 HB 856 - Ford
- 13 HCS HB 640 - Campbell
- 14 HCS HB 354 - Barry
- 15 HCS HB 709 - Leake
- 16 HB 844 - Gratz
- 17 HB 519 - Relford
- 18 HCS HB 535 - May (108)
- 19 HB 406 - Mays (50)
- 20 HB 146, HCA 1 - Wiggins
- 21 HB 787 - Wiggins
- 22 HB 59, HCA 1 - Boucher
- 23 HB 699, HCA 1 - Kreider
- 24 HCS HB 142 - Campbell
- 25 HCS HB 488, 206 & 357 - May (108)
- 26 HB 85 - Troupe
- 27 HCS HB 200 - Troupe
- 28 HCS HB 89 - Troupe
- 29 HB 717 - Harlan

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 2 HCS HB 826, HS, as amended, pending - Harlan
- 3 HCS HB 430 & 648 - McLuckie

#### **HOUSE BILL FOR PERFECTION - CONSENT**

(April 13, 1999)

HB 691 - Miller

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

- 1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)
- 2 HCR 16, (3-11-99, pg. 787) - Leake

- 3 HCS HCR 3, (3-4-99, pgs. 642 & 643) - Farnen
- 4 HCR 21, (3-11-99, pgs. 788 & 789) - Kissell
- 5 HCR 28, (4-7-99, pgs. 1094 & 1095) - Ransdall
- 6 HCS HCR 19, (4-1-99, pgs. 1029 & 1030) - Williams (121)

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD  
READ-LAW**

HCR 17, (3-11-99, pgs. 786 & 787) - Barnett

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

- 1 HCS HB 13 - Green
- 2 HB 17 - Frankin

**HOUSE BILLS FOR THIRD READING**

- 1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo
- 2 HS HB 700, E.C., - Mays (50)
- 3 HS HCS HB 718, 225, 876 & 838, (Fiscal Review 4-12-99) - Harlan
- 4 HS HB 971 - Shelton

**SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 17

**SENATE BILL FOR SECOND READING**

SS SCS SB 19

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 169, HCA 1 - Boucher
- 2 SB 188 - Smith
- 3 SB 184 - Scheve
- 4 HCS SCS SB 275, E.C. - Hosmer
- 5 SB 237 - Hosmer
- 6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

(April 7, 1999)

- 7 SB 10, HCA 1 - McKenna
- 8 SB 268 - Koller
- 9 SB 189 - Smith
- 10 SB 213 - Crump
- 11 SB 112 - Smith

12 SB 17, HCA 1 - Koller

(April 13, 1999)

13 SB 216 - Clayton

14 SB 353 - Ransdall

15 SCS SB 261 - Barry

16 SB 15 - Murray

17 SB 177 - May (108)

18 SB 479 - Gaskill

19 SB 321 - Smith

20 SB 329 - Smith

21 SB 271 - Smith

22 SB 414, HCA 1 - Leake

23 HCS SCS SB 334 - Wiggins

24 SB 28, HCA 1 - Auer

25 HCS SB 410 - Richardson

26 HCS SB 278 - May (108)

(April 14, 1999)

27 SB 443, E.C. - Farnen

28 SB 424 - Hampton

29 SB 83 - Gunn

30 SB 460 - Harlan

31 HCS SCS SB 218, E.C. - Farnen

32 HCS SCS SB 234, E.C. - Kennedy

33 HCS SB 426 - Wiggins

34 SB 362 - Barry

35 SB 197 - Rizzo

36 SCS SB 412 - Days

37 HCS#2 SB 25 -

38 SB 435 - Crump

39 SB 401 - McBride

40 SB 357, HCA 1 - Linton

41 SCS SB 244 - Treadway

42 SB 207 - Hosmer

43 SB 352 - Koller

44 SB 277 - Wagner

45 SB 434 - Linton

46 SB 81 - Hoppe

47 SCS SB 90 - Hoppe



48 SB 139 - Hoppe

49 SB 12 - Hoppe

50 SB 220 - Hoppe

51 SB 153 - Hoppe

52 SCS SB 391 - Williams (159)

53 SCS SB 423 - Legan

54 SB 115, HCA 1 - Ransdall

55 SCS SB 159, HCA 1 - Barry

56 HCS SB 214 - Hoppe

57 HCS SCS SB 170 - Pryor

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTIONS**

1 HR 66, (3-31-99, pgs. 1016 & 1017) - Green

2 HR 200, (3-31-99, pgs. 1017 & 1018) - Williams (121)

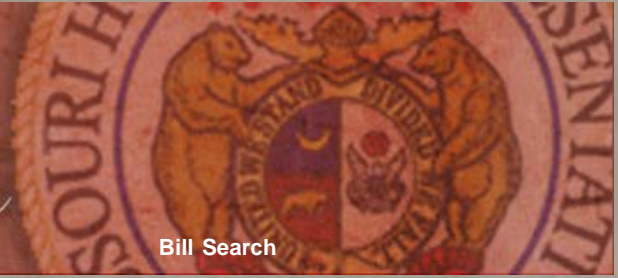
3 HR 49, (3-31-99, pg. 1016) - Farnen



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-SECOND DAY, Wednesday, April 14, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative David Levin.

At this moment I have in my heart a prayer.

As I have assumed my heavy duties, I humbly pray to Almighty God in the words of King Solomon, "Give therefore Thy servant an understanding heart to judge Thy people that I may discern between good and bad; for who is able to judge this Thy so great a people?" I ask only to be a good and faithful servant of my Lord and my people.

O Almighty and Everlasting God, Creator of Heaven, Earth and the universe:

Help me to be, to think, to act what is right, because it is right; make me truthful, honest and honorable in all things; make me intellectually honest for the sake of right and honor and without thought of reward to me. Give me the ability to be charitable, forgiving and patient with my fellow men - help me to understand their motives and their shortcomings - even as thou understandest mine! Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mandi DeBerry, Jennifer Mareschal, Matthew Mueller, Brett Wallace, Ryan Holtwick, Brent Byrd, Andrew McKenzie, Amanda Kelly, Dara Calhoon, Cody Clemons, J.A. Samson, Michelle Wright, Justin Gorrell, Elizabeth M. Corbet, Gregory Galganski, Jacob Von Harris, Noah Hall Hughes, Caroline Cornelle Seele, Evan McGrain Jordan, Catherine Louise McCarthy, Teresa Micotto, Dustin Louis Weddle, Nicholas Matthew Pingel, Nicholas James Bitikofer, Catherine Anne Bauer, James Harrison Burchett, William Clayton Jayne, Scott Michael Norton, Myron Gray, Claudette Gibson, Michelle Senay, Christy Senay, Jessica Ayers, Amber Moore, Whitney Clawson, Nick Pfeiffer and Bethani King.

The Journal of the fifty-first day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 871 - Representative Elliott

House Resolution No. 872 - Representative Liese

House Resolution No. 873 - Representative Berkowitz

House Resolution No. 874 - Representative Dougherty

House Resolution No. 875 and House Resolution No. 876 - Representative Legan

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 16** was read the second time.

**SECOND READING OF HOUSE BILL**

**HB 1057** was read the second time.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 17** was read the second time.

**SECOND READING OF SENATE BILL**

**SS SCS SB 19** was read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 277, HS HCS HB 180, HCS HBs 192 & 945** and **HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**HOUSE RESOLUTIONS**

**HR 66**, relating to starvation in Ireland, was taken up by Representative Green.

On motion of Representative Green, **HR 66** was adopted.

**HR 200**, relating to use of House chamber, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HR 200** was adopted.

**HR 49**, relating to use of House chamber, was taken up by Representative Farnen.

On motion of Representative Farnen, **HR 49** was adopted.

**ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCS HCR 3**, relating to committee on legislative term limits, was taken up by Representative Farnen.

On motion of Representative Farnen, **HCS HCR 3** was adopted and read the third time and passed by the following vote:

AYES: 095

Abel Akin Alter Auer Backer

Ballard Barry 100 Berkowitz Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hendrickson Hickey Hilgemann  
Hollingsworth Hoppe Kelley 47 Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Liese Long Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Merideth Monaco  
Murphy Murray O'Connor O'Toole Overschmidt  
Parker Ransdall Reynolds Rizzo Robirds  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Tudor Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 058

Barnett Bartelsmeyer Bartle Bennett Berkstresser  
Black Blunt Champion Chrismer Cierpiot  
Crawford Dolan Elliott Evans Foster  
Froelker Gaskill Gibbons Graham 106 Gross  
Hanaway Hegeman Hohulin Holand Howerton  
Kasten King Klindt Legan Levin  
Linton Lograsso Loudon Luetkemeyer Marble  
McClelland Miller Myers Naeger Nordwald  
Ostmann Patek Pouche Purgason Reid  
Reinhart Relford Richardson Ridgeway Ross  
Sallee Schwab Scott Shields Summers  
Surface Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Enz Hosmer Leake Pryor Secrest  
Troupe Vogel

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.



Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

**HCR 21**, relating to commemorative stamps, was taken up by Representative Kissell.

On motion of Representative Kissell, **HCR 21** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Treadway Tudor

Van Zandt Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Enz Hagan-Harrell Hegeman Leake Murphy

O'Toole Pryor Secrest Thompson 37 Troupe

Vogel

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**HCR 28**, relating to joint study committee, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **HCR 28** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Legan Levin Liese

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reinhart Relford Reynolds  
Richardson Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Tudor Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 005

Hohulin Lograsso Patek Reid Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 009

Enz Howerton Leake O'Toole Pryor

Secrest Thompson 37 Troupe Vogel

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Berkowitz moved that motion lay on the table.

The latter motion prevailed.

**HCS HCR 19**, relating to share the harvest program, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HCS HCR 19** was adopted and read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Elliott Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kelly 27 King  
Kissell Klindt Koller Kreider Lakin  
Lawson Legan Levin Liese Linton  
Lograsso Long Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Nordwald O'Connor Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Tudor Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright

NOES: 002

Naeger Patek

PRESENT: 000

ABSENT WITH LEAVE: 019

Backer Berkstresser Dougherty Enz Froelker  
Gunn Hohulin Howerton Kennedy Leake  
Loudon O'Toole Pryor Scott Secrest  
Thompson 37 Troupe Vogel Mr. Speaker

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.



Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

#### **ADOPTION AND THIRD READING OF HOUSE**

#### **CONCURRENT RESOLUTION - LAW**

**HCR 17**, relating to annexation, was taken up by Representative Barnett.

On motion of Representative Barnett, **HCR 17** was read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Chrismer Cierpiot Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Legan Levin Liese Lograsso

Long Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Tudor Van Zandt Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 021

Berkstresser Boucher Champion Clayton Enz

Green Gunn Harlan Kelly 27 Leake

Linton Loudon O'Toole Pryor Ridgeway

Scott Secrest Thompson 37 Troupe Vogel

Mr. Speaker

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative George, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 20, with House Committee Amendment No. 1**, relating to gaming, was taken up by Representative Gratz.

Representative Dougherty assumed the Chair.

Representative Akin offered **House Substitute Amendment No. 1 for House Committee Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Committee Amendment No. 1*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 3, by inserting after the word "video" the word "slot"; and

Further amend said bill, Page 2, Section 39(g), Line 4, by inserting after the word "video" the word "slot"; and

Further amend said bill, Page 2, Section 39(g), Line 8, by inserting after the word "video" the word "slot" in both places where the word "video" appears; and

Further amend said bill, Page 2, Section 39(g), Line 9, by inserting after the word "video" the word "slot".

On motion of Representative Akin, **House Substitute Amendment No. 1 for House Committee Amendment No. 1** was adopted by the following vote:

AYES: 090

Akin Alter Ballard Barnett Bartle  
Bennett Berkstresser Black Blunt Boatright  
Boykins Bray 84 Burton Campbell Carter  
Champion Chrismer Cierpiot Crawford Daniel  
Davis 122 Dolan Elliott Evans Foster  
Fraser Froelker Gambaro Gaskill Gibbons  
Graham 106 Gross Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hilgemann  
Hohulin Holand Hosmer Howerton Kasten  
Kelley 47 Kennedy King Klindt Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble McClelland McLuckie Miller  
Monaco Murphy Myers Naeger Patek  
Pouche Purgason Ransdall Reid Reinhart  
Ridgeway Robirds Ross Sallee Schilling  
Schwab Scott Selby Shields Smith  
Stokan Summers Surface Thompson 37 Tudor  
Van Zandt Ward Williams 121 Wilson Wright

NOES: 063

Abel Auer Backer Barry 100 Bartelsmeyer  
Berkowitz Bonner Boucher Britt Clayton  
Crump Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin George  
Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hickey Hollingsworth Hoppe Kelly 27  
Kissell Koller Kreider Lakin Lawson  
Liese Luetkenhaus May 108 Mays 50 McBride  
McKenna Merideth Murray Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Relford  
Reynolds Richardson Rizzo Scheve Seigfreid  
Shelton Skaggs Thompson 72 Townley Treadway  
Wagner Wiggins Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 007

Enz Leake Pryor Secrest Troupe  
Vogel Mr. Speaker

VACANCIES: 003

Representative Abel offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 3, by adding after "machines"[] **on their property owned or leased and located in a designated area.**

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Abel, **House Amendment No. 1** was adopted.

Representative Griesheimer offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 9, by inserting immediately after said line the following:

"All video gambling machines and slot machines shall be regulated by the Missouri State Gaming Commission".

On motion of Representative Griesheimer, **House Amendment No. 2** was adopted.

Representative Gratz raised a point of order that the gentleman from the 88th district is in violation of Rule 83.

Representative Gratz raised an additional point of order that the gentleman from the 88th district is in violation of Rule 85.

Representative Foley raised an additional point of order that the gentleman from the 88th district is in violation of Rule 96.

The Chair ruled the first point of order not well taken.

The Chair ruled the second point of order not well taken.

The Chair ruled the third point of order well taken.

**HJR 20, as amended**, was laid over.

On motion of Representative Crump, the House recessed until 2:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Lindsay N. Monaco.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 878 through House Resolution No. 883 - Representative Reinhart

House Resolution No. 884 - Representative Relford

House Resolution No. 885 - Representative Backer



House Resolution No. 886 - Representative Liese  
House Resolution No. 887 - Representative McBride  
House Resolution No. 888 - Representative Crawford

### THIRD READING OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 13**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 13** was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Legan Levin Linton  
Lograsso Long Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 004

Hanaway Hohulin Loudon Townley

PRESENT: 000

ABSENT WITH LEAVE: 008

Enz Leake Liese Patek Pryor

Ridgeway Scott Secrest

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HB 17**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 17** was read the third time and passed by the following vote:

AYES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Evans

Farnen Fitzwater Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Legan Levin Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Purgason  
Ransdall Reinhart Relford Reynolds Ridgeway  
Rizzo Robirds Ross Scheve Schilling  
Schwab Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 005

Bartelsmeyer Blunt Hanaway Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Dolan Enz Foley Hohulin Howerton  
Leake Liese Lograsso Patek Pouche  
Pryor Richardson Sallee Scott Secrest

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative George, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

### THIRD READING OF HOUSE BILLS

**HS HB 700**, relating to tax credits, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **HS HB 700** was read the third time and passed by the following vote:

AYES: 123

Abel Akin Alter Auer Backer  
Ballard Barnett Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright

Boucher Boykins Britt Burton Campbell  
Carter Champion Chrismer Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Elliott Evans Foley Foster  
Fraser Froelker Gambaro Gaskill Gibbons  
Graham 106 Gratz Griesheimer Gross Hagan-Harrell  
Hanaway Harlan Hartzler 123 Hegeman Hickey  
Hohulin Holand Hollingsworth Hoppe Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Lakin Lawson  
Legan Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reinhart Relford  
Ridgeway Robirds Ross Sallee Scheve  
Schwab Scott Seigfreid Shelton Shields  
Skaggs Smith Summers Surface Thompson 37  
Thompson 72 Townley Troupe Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 030

Barry 100 Bonner Bray 84 Cierpiot Dougherty  
Farnen Fitzwater Ford Franklin George  
Graham 24 Green Gunn Hampton Hartzler 124  
Hilgemann Hosmer Kreider Levin McLuckie  
Merideth Murphy Reid Reynolds Rizzo  
Schilling Selby Stokan Treadway Van Zandt

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 006

Enz Leake Liese Pryor Richardson  
Secrest

VACANCIES: 003

Speaker Gaw declared the bill passed.



The emergency clause was defeated by the following vote:

AYES: 090

Abel Auer Backer Barnett Barry 100

Bartelsmeyer Bennett Berkowitz Berkstresser Black

Boucher Boykins Britt Burton Campbell

Carter Clayton Crump Daniel Davis 122

Davis 63 Days Foley Foster Franklin

Fraser Gambaro Gaskill Graham 106 Gratz

Griesheimer Hagan-Harrell Harlan Hickey Holand

Hollingsworth Hoppe Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Legan Liese Lograsso Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Relford Robirds Ross Scheve Schwab

Seigfreid Shelton Skaggs Smith Thompson 37

Thompson 72 Townley Troupe Vogel Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 063

Akin Alter Ballard Bartle Blunt

Boatright Bonner Bray 84 Champion Chrismer

Cierpiot Crawford Dolan Dougherty Elliott

Evans Farnen Fitzwater Ford Froelker

George Gibbons Graham 24 Green Gross

Gunn Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hilgemann Hohulin Hosmer Howerton

King Klindt Levin Linton Long

Loudon Marble McLuckie Merideth Miller

Murphy Reid Reinhart Reynolds Ridgeway

Rizzo Sallee Schilling Scott Selby

Shields Stokan Summers Surface Treadway

Tudor Van Zandt Wright

PRESENT: 002

Hendrickson Wagner

ABSENT WITH LEAVE: 005

Enz Leake Pryor Richardson Secrest

VACANCIES: 003

On motion of Representative Monaco, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Shelton moved that motion lay on the table.

The latter motion prevailed.

**HS HB 971**, relating to St. Louis airport expansion, was taken up by Representative Shelton.

On motion of Representative Shelton, **HS HB 971** was read the third time and passed by the following vote:

AYES: 128

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Blunt Boatright Bonner Boucher

Britt Burton Campbell Carter Champion

Cierpiot Crawford Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Farnen

Fitzwater Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelly 27 Kennedy Klindt Koller

Kreider Lakin Lawson Legan Levin

Lograsso Long Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Toole Overschmidt Parker Patek

Purgason Ransdall Reinhart Relford Reynolds

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 159

Wilson Wright Mr. Speaker

NOES: 021

Barnett Bennett Black Chrismer Dolan

Evans Foley Gross Hendrickson Hickey

King Kissell Liese Linton Loudon

Luetkemeyer Luetkenhaus Myers O'Connor Pouche

Reid

PRESENT: 001

Ostmann

ABSENT WITH LEAVE: 010

Boykins Bray 84 Clayton Enz Kelley 47

Leake Pryor Richardson Secrest Williams 121

VACANCIES: 003

Speaker Gaw declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative May (108) moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

#### PERFECTION OF HOUSE JOINT RESOLUTION

**HCS HJR 26**, relating to conservation commission, was taken up by Representative Crump.

Representative Fraser offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 26, Page 1, Section A, Lines 6 and 7, by deleting the words: "**this section or any other powers delegated to the conservation commission**" and inserting in lieu thereof the words: "**fish and wildlife management**".

Representative Crump offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 26, Page 1, Section A, Lines 6 and 7, by deleting the words:

**"this section or any other powers delegated to the conservation commission"** and inserting in lieu thereof the words:  
**"fish, wildlife and forestry management."**

On motion of Representative Crump, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Dougherty offered **House Amendment No. 2**.

Representative Crump raised a point of order that **House Amendment No. 2** is frivolous.

Representative Luetkenhaus raised an additional point of order that **House Amendment No. 2** is in violation of Rule 53 and Rule 55.

The Parliamentary Committee ruled the points of order well taken.

Representative Ladd Stokan offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Joint Resolution No. 26, Page 1, Section 44, Line 6, by inserting after the word "proposal" the following, "dealing with taxation and bond issues".

Representative Crump raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Parliamentary Committee ruled the point of order not well taken.

Representative Ladd Stokan moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Crump, **HCS HJR 26, as amended**, was adopted.

On motion of Representative Crump, **HCS HJR 26, as amended**, was ordered perfected and printed.

#### **PERFECTION OF HOUSE BILL**

**HCS HB 723, with HS, as amended, pending**, relating to motor vehicles, was taken up by Representative Koller.

Representative Lograsso offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 2, Section 302.020, Line 21, by inserting between the words "person" and "operating" the following: "under the age of twenty-one years".

Representative McClelland offered **House Substitute Amendment No. 1 for House Amendment No. 8**.



*House Substitute Amendment No. 1*

*for*

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 2, Section 302.020, Line 21, by inserting between the words "person" and "operating" the following: "over the age of twenty-one years".

On motion of Representative McClelland, **House Substitute Amendment No. 1 for House Amendment No. 8** was adopted by the following vote:

AYES: 093

Abel Backer Ballard Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Britt Burton Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Dolan Elliott Evans Farnen

Ford Foster Froelker Gratz Griesheimer

Gross Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hohulin Howerton

Kelly 27 Kissell Klindt Koller Kreider

Lakin Lawson Legan Linton Lograsso

Loudon Luetkemeyer Marble Mays 50 McBride

McKenna Merideth Miller Myers Naeger

O'Connor Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Seigfreid Selby

Shields Smith Summers Thompson 37 Treadway

Troupe Vogel Wagner Ward Wiggins

Williams 159 Wright Mr. Speaker

NOES: 054

Akin Alter Auer Barnett Barry 100

Berkowitz Boucher Campbell Daniel Days

Dougherty Fitzwater Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Green Gunn Hagan-Harrell Harlan Hilgemann

Holand Hollingsworth Hoppe Hosmer Kasten

Kennedy King Levin Liese Long

Luetkenhaus May 108 McClelland McLuckie Murphy

Murray Nordwald O'Toole Reynolds Scheve

Schilling Shelton Skaggs Surface Thompson 72

Tudor Van Zandt Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 013

Boykins Bray 84 Carter Enz Foley

Kelley 47 Leake Monaco Pryor Richardson

Secrest Stokan Townley

VACANCIES: 003

Representative Wiggins offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 2 of said page, by inserting after the word "sections" the number "137.130,"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the phrase "Section 577.048" and inserting in lieu thereof the phrase "Sections 137.130 and 577.048"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by inserting after the word "sections" the number "137.130,"; and

Further amend said bill, Page 1, Section A, Line 23 of said page, by inserting after all of said line the following:

"137.130. Whenever there shall be any taxable **personal** property in any county, and from any cause no list thereof shall be given to the assessor in proper time and manner, the assessor shall [himself] make out the list, on [his] **the assessor's** own view, or on the best information [he] **the assessor** can obtain; and for that purpose [he] **the assessor** shall have lawful right to enter into any lands and make any examination and search which may be necessary, and may examine any person upon oath touching the same. **The assessor shall list, assess and cause taxes to be imposed upon omitted taxable personal property in the current year and in the event personal property was also subject to taxation in the immediately prior year, but was omitted, the assessor shall also list, assess and cause taxes to be imposed upon such property.**".

Representative Williams (121) offered **House Substitute Amendment No. 1 for House Amendment No. 9.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 35, Section 136.055, Line 7 of said page, by inserting after all of said line the following:

"137.130. Whenever there shall be any taxable **personal** property in any county, and from any cause no list thereof shall be given to the assessor in proper time and manner, the assessor shall [himself] make out the list, on [his] **the assessor's** own view, or on the best information [he] **the assessor** can obtain; and for that purpose [he] **the assessor** shall have lawful right to enter into any lands and make any examination and search which may be necessary, and may examine any person upon oath touching the same. **The assessor shall list, assess and cause taxes to be imposed upon omitted taxable personal property in the current year and in the event personal property was also subject to taxation in the immediately prior year, but was omitted, the assessor shall also list, assess and cause taxes to be imposed upon such property.**"; and

Further amend said bill, Page 35, Section 301.025, Line 23 of said page, by inserting immediately after the word "status." the following: **"In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due."**; and

Further amend the title and enacting clause accordingly.

On motion of Representative Williams (121), **House Substitute Amendment No. 1 for House Amendment No. 9** was adopted.

Representative Boucher offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 33, Section 577.049, Line 8, by inserting after said line the following:

"Section 1. 1. The director of the department of revenue shall, upon the request of any person who is issued special license plates or a removable windshield placard pursuant to section 301.142, RSMo, and who uses a wheelchair or transports a person who uses a wheelchair, allow the person to obtain a parking cone bearing the international symbol of accessibility and the words "wheelchair parking space". Parking cones obtained pursuant to this section shall be predominantly orange, fluorescent red-orange, or fluorescent yellow-orange, not less than eighteen inches in height and shall be made of a material that can be struck without damaging vehicles on impact. Parking cones shall be purchased by any person wishing to use such cone.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Boucher, **House Amendment No. 10** was adopted.

Representative Luetkenhaus offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 4 of said page, by deleting the phrase "and 577.048" and inserting in lieu thereof the phrase ", 577.048 and 643.315"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by inserting after the number "307.350" the number "307.366"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-nine"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the phrase "Section 577.048" and inserting in lieu thereof the phrase "Sections 577.048 and 643.315"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting after the number "302.321" the number "307.366"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by inserting after the number "302.321" the number "307.366"; and

Further amend said bill, Page 1, Section A, Lines 22 and 23 of said page, by deleting the phrase "and 577.049" and inserting in lieu thereof the phrase ", 577.049 and 643.315"; and

Further amend said bill, Page 18, Section 302.321, Line 4 of said page, by inserting after all of said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and



any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390, certain motor vehicles shall be tested to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality.

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]
- (7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law;
- (8) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved; provided that, for any motor vehicle exempted pursuant to this subdivision, the purchaser may return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the motor vehicle inspected and approved without the option for a waiver of the emissions standards and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, and provided that, the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or to enter into any mutually acceptable agreement with the seller.**

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

- (1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and
- (2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.



7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill, Page 33, Section 577.049, Line 8 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

- (1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or
- (2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;
- (3) Model year vehicles prior to 1971;
- (4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;
- (5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335[;]. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the six months immediately preceding the date of sale, and, for the purpose of registration of such vehicle, the date of inspection shall be defined to be the date of sale.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade] or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days [if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo.".

On motion of Representative Luetkenhaus, **House Amendment No. 11** was adopted.

Representative Clayton offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 92, Section 303.179, Line 12, by inserting after all of said line the following:

**"303.380. 1. As used in this section, the following words and phrases shall mean:**

(1) **"Automobile insurance policy"**, any automobile liability insurance policy delivered or issued for delivery in the state of Missouri with respect to any motor vehicle registered or principally garaged in the state of Missouri;

(2) **"Bodily injury"**, bodily injury, sickness or disease, including death, resulting therefrom;

(3) **"Insured"**, any person insured pursuant to the underinsured motor vehicle coverage of an automobile insurance policy;

(4) **"Insurer"**, the provider of underinsured motor vehicle coverage pursuant to an automobile insurance policy;

(5) **"Setoff"**, any provision within an automobile insurance policy which directly or indirectly reduces the limits of the underinsured motor vehicle coverage stated on the policy by amounts paid or payable to an insured by the owner or operator of an underinsured motor vehicle or by some other source;

(6) **"Settle"**, an agreement for consideration paid to an insured discharging the owner or operator of an underinsured

motor vehicle for liability to the insured for bodily injury;

(7) "Subrogation", any equitable right or provision within an automobile insurance policy entitling an insurer to a right to recover payment made to an insured pursuant to underinsured motor vehicle coverage from any person or entity that is legally liable to the insured for damages due to bodily injury of the insured including the owner or operator of an underinsured motor vehicle;

(8) "Underinsured motor vehicle", a motor vehicle the ownership, maintenance or use of which is insured for bodily injury liability with coverage limits that are less than the amount of the insured's damages;

(9) "Underinsured motor vehicle coverage", any coverage in any automobile insurance policy which purports to provide protection to any insured for damages or loss caused by the owner or operator of an underinsured motor vehicle.

2. Any automobile insurance policy which provides underinsured motor vehicle coverage shall pay damages for bodily injury an insured is legally entitled to recover from an owner or operator of an underinsured motor vehicle up to the limits of the underinsured motor vehicle coverage stated on the policy.

3. The limits of underinsured motor vehicle coverage stated on the policy shall not be reduced by set off.

4. Underinsured motor vehicle coverage shall not require the insured to receive consent of the insurer in order for the insured to settle his or her claim against the owner or operator of an underinsured motor vehicle.

5. An insurer shall have no right of subrogation to recover payment made to an insured pursuant to underinsured motor vehicle coverage."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Auer raised a point of order that **House Amendment No. 12** is not germane to the bill.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Clayton, **House Amendment No. 12** was adopted by the following vote:

AYES: 076

Backer Barry 100 Berkowitz Bonner Boucher

Boykins Britt Carter Cierpiot Clayton

Crump Davis 122 Davis 63 Days Dougherty

Farnen Fitzwater Foley Ford Franklin

Fraser Gambaro George Graham 24 Green

Hagan-Harrell Harlan Hartzler 124 Hickey Hilgemann

Holand Hollingsworth Hoppe Kelly 27 Kennedy

Kissell Kreider Lakin Lograsso May 108

Mays 50 McBride McKenna McLuckie Monaco

Murphy Murray O'Connor O'Toole Parker

Patek Ransdall Reynolds Ridgeway Rizzo

Robirds Ross Scheve Schilling Seigfreid

Selby Shelton Skaggs Smith Stokan

Thompson 37 Thompson 72 Treadway Tudor Van Zandt

Wagner Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 067



Abel Akin Alter Auer Ballard  
Barnett Bartelsmeyer Bartle Bennett Berkstresser  
Black Blunt Boatright Burton Champion  
Chrismer Crawford Dolan Elliott Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Gratz Griesheimer Gross Gunn Hampton  
Hanaway Hartzler 123 Hegeman Hendrickson Hohulin  
Howerton King Klindt Koller Legan  
Levin Liese Long Loudon Luetkemeyer  
Marble McClelland Merideth Miller Myers  
Naeger Nordwald Ostmann Overschmidt Pouche  
Purgason Reid Reinhart Sallee Schwab  
Scott Shields Summers Surface Vogel  
Ward Wright

PRESENT: 000

ABSENT WITH LEAVE: 017

Bray 84 Campbell Daniel Enz Hosmer  
Kasten Kelley 47 Lawson Leake Linton  
Luetkenhaus Pryor Relford Richardson Secrest  
Townley Troupe

VACANCIES: 003

**HCS HB 723, with HS, as amended, pending**, was laid over.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 16** - Budget

**HS HCS HB 180** - Fiscal Review (Fiscal Note)

#### **LETTER OF OBJECTION**

April 14, 1999

Anne Walker, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Ms. Walker:



We, the undersigned, respectfully request **SB 479** be removed from the Consent Calendar pursuant to House Rule 65(c). We believe this bill is of a controversial nature.

/s/ Bubs Hohulin /s/ Bill Skaggs

/s/ Chuck Purgason /s/ Tom Hoppe

/s/ Mark Richardson

#### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated pursuant to Rule 48:

**SB 479** - Rules, Joint Rules and Bills Perfected and Printed

**SB 152** - Rules, Joint Rules and Bills Perfected and Printed

#### COMMITTEE REPORTS

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 34**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SCS SB 176**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

**Committee on Consumer Protection and Housing**, Chairman Schilling reporting:

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **HB 882**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **SB 20**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SB 276**, begs leave to report it has examined the same and recommends that it **House Committee Substitute Do Pass**.

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **FAMILY FARM CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo**.

TO: Representative Robert Clayton, Chairman

House Ethics Committee

FROM: Representative David Klindt

Representative Maurice Lawson

DATE: April 7, 1999

RE: Family Farm Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1998 and the rules of the Missouri House of Representatives, a listing of the members of the 90th General Assembly's House of Representatives' Family Farm Caucus is attached.

Consider this memorandum a formal application to the Committee on Ethics to approve this caucus, the commonality of interest and the advantages of forming this caucus.

Please contact me at 751-1415, if you have any questions concerning this caucus organization.

REPUBLICANS DEMOCRATS

/s/ Mark Richardson Glenda Kelly

/s/ Mary Lou Sallee Jim Kreider

/s/ Delbert Scott Gracia Backer

/s/ Don Summers W. W. Bill Gratz

/s/ Merrill Townley Don Koller

/s/ Bill Tudor Phil Smith

/s/ Jim Graham Jerry E. McBride

/s/ Larry Crawford Francis Overschmidt

/s/ Annie Reinhart Ted Farnen

/s/ Sam Gaskill Wayne Crump

/s/ Matt Boatright Tim Harlan

/s/ Bill Foster Steve McLuckie

/s/ David Klindt Thomas George

/s/ Charlie Ballard Dick Franklin

/s/ Rex Barnett Kelly Parker

/s/ Matt Bartle Phillip Britt

/s/ Lanie Black D. J. Davis

/s/ Matt Blunt Patrick Dougherty

/s/ Jim Froelker Steve Gaw

/s/ John Griesheimer Chuck Graham

/s/ Daniel Hegeman Maurice Lawson

/s/ Jerry King Sam Leake

/s/ Beth Long Randall Relford

/s/ Peter Myers Jim Seigfreid

/s/ Patrick Naeger Gary Wiggins

/s/ Michael Reid Marilyn Williams

/s/ Gary Marble Bill Ransdall

/s/ Judy Berkstresser Robert Clayton

/s/ Linda Bartelsmeyer

/s/ Ronnie Miller

INDEPENDENT

/s/ Denny Merideth

Mr. Speaker: Your Committee on Ethics, to which was referred **WOMEN LEGISLATORS OF MISSOURI CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

DATE: April 12, 1999

TO: Representative Robert Clayton

Chairman, House Committee on Ethics

FROM: Representative Dana Murray

President of Women Legislators of Missouri

I would like to request a hearing and approval for the Women Legislators of Missouri and, in accordance with Section 105.473.3(2)(c)d, RSMo, we are listing the following members of the General Assembly as members of the Women Legislators of Missouri.

**District Name**

House members:

14 /s/ Cindy Ostmann

20 /s/ Gracia Y. Backer

25 /s/ Vicky Riback Wilson

27 /s/ Glenda Kelly

34 /s/ Annie Reinhart

35 /s/ Luann Ridgeway

39 /s/ Marsha Campbell

50 /s/ Carol Jean Mays

52 /s/ Connie Cierpiot

60 /s/ Amber H. Boykins

61 /s/ Paula J. Carter

63 /s/ Dorathea Davis

69 /s/ Dana L. Murray

71 /s/ Rita D. Days

72 /s/ Betty Thompson

75 /s/ Mary Hagan-Harrell

76 /s/ Lana Ladd Stokan

83 /s/ Barbara Fraser

84 /s/ Joan Bray

87 /s/ Catherine L. Hanaway

91 /s/ Emmy McClelland

93 /s/ Patricia Secrest

98 /s/ May Scheve  
100 /s/ Joan Barry  
101 /s/ Kate Hollingsworth  
121 /s/ Deleta Williams  
124 /s/ Vicky Hartzler  
132 /s/ Linda Bartelsmeyer  
134 /s/ Norma Champion  
141 /s/ Judy Berkstresser  
144 /s/ Mary Lou Sallee  
146 /s/ Beth Long  
158 /s/ Mary Kasten  
159 /s/ Marilyn Williams

Senate Members:

1 /s/ Anita Yeckel  
9 /s/ Mary Groves Bland  
16 /s/ Sarah Steelman  
24 /s/ Betty Sims  
30 /s/ Roseann Bentley

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 436**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 62**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 62

WHEREAS, the members of the Missouri House of Representatives fully recognize the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, this legislative body has a long tradition of rendering assistance to those organizations which sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day-to-day operation of our state government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in granting permission to the Missouri YMCA to use the House of Representatives Chambers, Hearing Rooms, and Galleries for the 1999 YMCA Youth in Government Convention Pre-Training on November 20, 1999, from



9:00 a.m. to 3:00 p.m., and the State Convention on December 2-4, 1999.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 118**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 118

WHEREAS, the members of the Missouri House of Representatives take great pride in rendering assistance to Missouri's Silver Haired Legislature; and

WHEREAS, the Silver Haired Legislature consists of older Missourians who are elected by their peers to participate in an annual, state-wide work session in Jefferson City to determine and advocate for legislative priorities before the Missouri General Assembly; and

WHEREAS, the recommendations made by the Silver Haired Legislature have contributed to a better understanding of the merits and limitations of many popular proposals and have provided a meaningful opportunity for the elderly in Missouri to get involved in current issues of consequence:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, unanimously join in granting permission to the Silver Haired Legislature to use the House of Representatives Chambers for their upcoming session to be held on October 7, 1999, from 9:00 a.m. to 4:30 p.m. and on October 8, 1999, from 9:00 a.m. to 1:00 p.m.; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Silver Haired Legislature.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 276**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 276

WHEREAS, the Missouri House of Representatives recognizes the importance of empowering citizens to actively participate in the democratic process, and

WHEREAS, the House has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the House Chamber and the House Hearing Rooms from 9:00 a.m. to 5:00 p.m. on Saturday, September 4, 1999 for the purpose of a citizenship assembly and workshop.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 30**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Concurrent Resolution No. 30

Relating to publishing of session laws.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that the Joint Committee on Legislative Research shall prepare and cause to be

collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HB 879**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HB 1050**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Missouri Tobacco Settlement**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Missouri Tobacco Settlement, to which was referred **HCR 24** and **HCR 15**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute

for

House Concurrent Resolutions Nos. 24 & 15

Relating to Missouri's support for a return to the state of any tobacco settlement funds recouped by the federal government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

WHEREAS, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

WHEREAS, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

WHEREAS, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

WHEREAS, the U.S. Department of Health and Human Services has suspended recoupment activities; and

WHEREAS, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

WHEREAS, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

WHEREAS, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medicaid statute must be enacted to exempt tobacco settlement funds from recoupment:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

Mr. Speaker: Your Committee on Missouri Tobacco Settlement, to which was referred **SCR 14**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Concurrent Resolution No. 14, Page 196, Journal of the Senate, Lines 42 and 43 of said page, by deleting all of said lines and inserting in lieu thereof the following: "to William Jefferson Clinton, President of the United States, to each member of Missouri's Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives."

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **SB 270**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

**Committee on Workers' Compensation and Employment Security**, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Workers' Compensation and Employment Security, to which was referred **SB 32**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

**HB 15**, introduced by Representative Franklin, to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1999 and ending June 30, 2001.

#### INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:



**HB 1058**, introduced by Representatives Reinhart, Ridgeway and Kasten, relating to the University of Missouri.

**HB 1059**, introduced by Representative Green, relating to the installation and maintenance of electrical systems.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 215**, entitled:

An act to repeal sections 103.083 and 103.130, RSMo 1994, relating to the health plan for state employees, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 233**, entitled:

An act to repeal sections 167.126 and 167.171, RSMo Supp. 1998, relating to placement of children, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 4**.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND House Concurrent Resolution No. 4, Page 1, Line 12, by deleting "one thousand five hundred" and inserting in lieu thereof "two thousand".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1**, entitled:

An act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, Stormwater Control Fund, and Fourth State Building Fund and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 76**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 248**, entitled:

An act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 348**, entitled:

An act to amend chapter 211, RSMo, by adding thereto one new section relating to the registration of juvenile sex offenders, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 359**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 373**, entitled:

An act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and section 313.500, 313.510, 313.520, 313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1998, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 387, 206 & 131**, entitled:

An act to repeal sections 208.040 and 208.070, RSMo 1994, and section 210.150, RSMo Supp. 1998, and to enact in lieu thereof seven new sections relating to child care and abuse.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 895**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 3**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, April 15, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-first Day, Tuesday, April 13, 1999, pages 1167 and 1168, roll call, by showing Representative Wright voting "aye" rather than "no".

Pages 1167 and 1168, roll call, by showing Representative Ward voting "aye" rather than "absent with leave".

Pages 1179 and 1180, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".

Pages 1189 and 1190, roll call, by showing Representatives Evans, Loudon and Surface voting "no" rather than "absent with leave".

Pages 1192 and 1193, roll call, by showing Representative Kreider voting "aye" rather than "absent with leave".

Page 1201, roll call, by showing Representatives Bennett, Froelker, Hoppe and Long voting "aye" rather than "absent with leave".

Pages 1201 and 1202, roll call, by showing Representatives Barry, Bennett, Crump, Dolan, Froelker and Long voting "aye" rather than "absent with leave".

Pages 1206 and 1207, roll call, by showing Representatives Bennett, Davis (63), Froelker and Long voting "aye" rather than "absent with leave".

Page 1212, roll call, by showing Representatives Bennett, Kreider and Long voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, April 20, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 940

### **EDUCATION - ELEMENTARY AND SECONDARY**

Thursday, April 15, 1999, 9:30 am. Northwest side gallery. Executive session.

AMENDED NOTICE.

To be considered - HB 54, SB 289, SB 399, SB 461

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, April 20, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 480, HB 501, HB 696, SB 187

### **FISCAL REVIEW**

Thursday, April 15, 1999, 8:30 am. Hearing Room 5. Executive session.

To be considered - HB 718

### **JOINT COMMITTEE ON WETLANDS**

Thursday, April 15, 1999, 8:30 am. Hearing Room 7. Update and informational meeting.

Reps. from U.S. Army Corps of Engineers in attendance.

## JUDICIARY

Thursday, April 15, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - SB 142, Executive Session - SB 266

## PROFESSIONAL REGISTRATION & LICENSING

Thursday, April 15, 1999, 9:00 am. Hearing Room 8. Executive session will follow.

To be considered - HB 786, HB 1049, SB 325

## HOUSE CALENDAR

FIFTY-THIRD DAY, THURSDAY, APRIL 15, 1999

### HOUSE BILLS FOR SECOND READING

HB 1058 and HB 1059

### HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 15

### HOUSE JOINT RESOLUTION FOR PERFECTION

HJR 20, as amended - Gratz

### HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 18 - Franklin

### HOUSE BILLS FOR PERFECTION

1 HCS HB 723, HS, as amended, pending, - Koller

2 HCS HB 780 - Van Zandt

3 HCS HB 673 - Kissell

4 HCS HB 643, 710 & 711 - Bray

5 HB 952 - Koller

6 HCS HB 599 - Gunn

7 HB 133 - Crump

8 HCS HB 769 - Bray

9 HB 120 - Kreider

10 HCS HB 934 - Treadway

11 HCS HB 456 - Fitzwater

12 HB 856 - Ford

13 HCS HB 640 - Campbell

14 HCS HB 354 - Barry

15 HCS HB 709 - Leake

16 HB 844 - Gratz  
17 HB 519 - Relford  
18 HCS HB 535 - May (108)  
19 HB 406 - Mays (50)  
20 HB 146, HCA 1 - Wiggins  
21 HB 787 - Wiggins  
22 HB 59, HCA 1 - Boucher  
23 HB 699, HCA 1 - Kreider  
24 HCS HB 142 - Campbell  
25 HCS HB 488, 206 & 357 - May (108)  
26 HB 85 - Troupe  
27 HCS HB 200 - Troupe  
28 HCS HB 89 - Troupe  
29 HB 717 - Harlan  
30 HCS HB 160 - O'Toole  
31 HCS HB 730 - Leake

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 826, HS, as amended, pending - Harlan  
3 HCS HB 430 & 648 - McLuckie

#### **HOUSE BILL FOR PERFECTION - CONSENT**

(April 13, 1999)

HB 691 - Miller

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)  
2 HCR 16, (3-11-99, pg. 787) - Leake  
3 HCS HCR 29, (4-8-99, pgs. 1121 & 1122) - Kreider  
4 HCS HCR 24 & 15, (4-14-99) - Boykins  
5 HCR 30, (4-14-99) - Clayton

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo  
2 HS HCS HB 718, 225, 876 & 838, (Fiscal Review 4-12-99) - Harlan  
3 HB 277 - Carter  
4 HS HCS HB 180, (Fiscal Review 4-14-99) - Hoppe  
5 HCS HB 192 & 945 - Davis (122)

#### **SENATE BILLS FOR SECOND READING**



1 SB 215

2 SCS SB 233

3 SS SB 373

4 SCS SB 387, 206 & 131

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

SCR 16, (3-22-99, pg. 821) - Wiggins

**SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 169, HCA 1 - Boucher

2 SB 188 - Smith

3 SB 184 - Scheve

4 HCS SCS SB 275, E.C. - Hosmer

5 SB 237 - Hosmer

6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

7 SB 10, HCA 1 - McKenna

8 SB 268 - Koller

9 SB 189 - Smith

10 SB 213 - Crump

11 SB 112 - Smith

12 SB 17, HCA 1 - Koller

(April 13, 1999)

13 SB 216 - Clayton

14 SB 353 - Ransdall

15 SCS SB 261 - Barry

16 SB 15 - Murray

17 SB 177 - May (108)

18 SB 321 - Smith

19 SB 329 - Smith

20 SB 271 - Smith

21 SB 414, HCA 1 - Leake

22 HCS SCS SB 334 - Wiggins

23 SB 28, HCA 1 - Auer

24 HCS SB 410 - Richardson

25 HCS SB 278 - May (108)

(April 14, 1999)

26 SB 443, E.C. - Farnen

27 SB 424 - Hampton

28 SB 83 - Gunn

29 SB 460 - Harlan  
30 HCS SCS SB 218, E.C. - Farnen  
31 HCS SCS SB 234, E.C. - Kennedy  
32 HCS SB 426 - Wiggins  
33 SB 362 - Barry  
34 SB 197 - Rizzo  
35 SCS SB 412 - Days  
36 HCS#2 SB 25 - Carter  
37 SB 435 - Crump  
38 SCS SB 244 - Treadway  
39 SB 207 - Hosmer  
40 SB 352 - Koller  
41 SB 277 - Wagner  
42 SB 434 - Linton  
43 SB 81 - Hoppe  
44 SCS SB 90 - Hoppe  
45 SB 139 - Hoppe  
46 SB 12 - Hoppe  
47 SB 220 - Hoppe  
48 SB 153 - Hoppe  
49 SCS SB 391 - Williams (159)  
50 SCS SB 423 - Legan  
51 SB 115, HCA 1 - Ransdall  
52 SCS SB 159, HCA1 - Barry  
53 HCS SB 214 - Hoppe  
54 HCS SCS SB 170 - Pryor  
55 HCS SB 34 - Lawson  
56 HCS SB 270 - Kissell  
57 SCS SB 176 - Ridgeway

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE RESOLUTIONS**

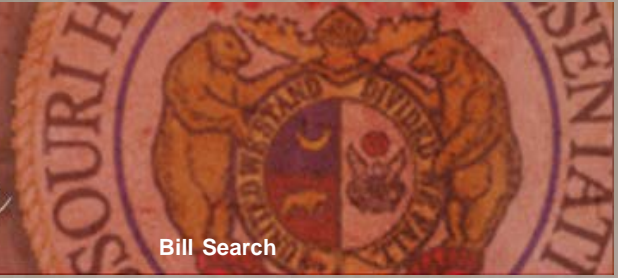
1 HR 62, (4-14-99) - Gratz  
2 HR 118, (4-14-99) - Davis (122)  
3 HR 276, (4-14-99) - Gratz



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-THIRD DAY, Thursday, April 15, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Dr. Doyle Sager, First Baptist Church, Jefferson City, MO.

Our Father in Heaven, we thank You this morning for the noble dreams of liberty and self-government. We pray today for nations where these are not realities. We pray today for this Assembly - for the marshalling of good sense and of high motives. Make us all good stewards of today's opportunities - opportunities to make a difference, so that Your Kingdom may come on Earth as it is in Heaven. In Your name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ashley Lawson, Marinda Lawson, Deborah Dunlap, Keila Combs, Valeria Podobea, Medonna Jenkins, Tiffany Standley, Barrett Pierce, Wright Lewis-Harris, Jamie Sherman, Lauren Ousley, Louis Pearson, Sarah Malone, Eric Timmons, Nicole Shiflett, Kim Day, Nicholas Hume, Kiara Brooks, Fatima Sabar, Matt Pattison, Michael Hoggard, Mark Hoggard, Brian Hoggard, Eric Goodman, Donald Nicholson, Molly Hochwall, Kristin Mueller, Bill Zimmerman, Jessica Corzine, Amanda Marino, Andrew Mayer, Brittney Taylor, Matt Slone and Lisandro Fabellar.

The Journal of the fifty-second day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 889 - Representative Gross

House Resolution No. 890 - Representative Boatright

House Resolution No. 891 - Representative Kennedy

House Resolution No. 892 - Representative Liese

House Resolution No. 893 through House Resolution No. 906 - Representative Alter

House Resolution No. 907 and House Resolution No. 908 - Representatives Barry and Hendrickson

House Resolution No. 909 - Representative Naeger

House Resolution No. 910 - Representatives Green and George

House Resolution No. 911 - Representative Green

House Resolution No. 912 - Representatives Hartzler (124) and King

House Resolution No. 913 - Representative Townley

House Resolution No. 914 through House Resolution No. 916 - Representatives Tudor, Boucher, Hoppe and McLuckie  
House Resolution No. 917 - Representative Thompson (72)  
House Resolution No. 918 - Representative Backer  
House Resolution No. 919 - Representative Patek  
House Resolution No. 920 - Representative Foley  
House Resolution No. 921 through House Resolution No. 923 - Representative Kelley (47)

#### **SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 15** was read the second time.

#### **SECOND READING OF HOUSE BILLS**

**HB 1058** and **HB 1059** were read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 215, SCS SB 233, SS SB 373** and **SCS SBs 387, 206 & 131** were read the second time.

#### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HBs 718, 225, 876 & 838 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HJR 26**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Speaker Gaw assumed the Chair.

#### **THIRD READING OF HOUSE BILLS**

**HS HCS HBs 718, 225, 876 & 838**, relating to health care insurance, was taken up by Representative Harlan.

On motion of Representative Harlan, **HS HCS HBs 718, 225, 876 & 838** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Carter Champion Chrismer Cierpiot Crawford



Crump Daniel Davis 122 Davis 63 Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Reynolds Richardson Ridgeway Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 002

Auer Gunn

ABSENT WITH LEAVE: 008

Bray 84 Campbell Clayton Days Enz

Relford Scott Secrest

VACANCIES: 003

Speaker Gaw declared the bill passed.

On motion of Representative Abel, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 192 & 945**, relating to telemarketing practices, was taken up by Representative Davis (122).

On motion of Representative Davis (122), **HCS HBs 192 & 945** was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Bonner Boucher Boykins Britt Burton

Carter Champion Chrismer Cierpiot Crawford

Crump Daniel Davis 122 Davis 63 Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lawson Leake Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Reynolds Richardson Ridgeway Rizzo

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 005

Boatright Luetkemeyer Murphy Myers Tudor

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Campbell Clayton Days Enz

Lakin Legan Relford Robirds Secrest

VACANCIES: 003

Speaker Gaw declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL - INFORMAL

**HCS HBs 430 & 648**, relating to Missouri Tobacco Settlement Trust Fund, was taken up by Representative McLuckie.

Representative Hanaway offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 430 & 648, Page 1, Section 3, Line 8, by inserting the following language at the end of said line:

"Expenditures from the trust fund shall be made solely by appropriation from the General Assembly."

On motion of Representative Hanaway, **House Amendment No. 1** was adopted.

Representative Klindt offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 430 & 648, Page 1, Section 1, Line 7, by inserting after the word "**used**" the word "**primarily**".

Representative Klindt moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative McLuckie, **HCS HBs 430 & 648, as amended**, was adopted.

On motion of Representative McLuckie, **HCS HBs 430 & 648, as amended**, was ordered perfected and printed.

## PERFECTION OF HOUSE BILLS

**HCS HB 723, with HS, as amended, pending**, relating to motor vehicles, was taken up by Representative Koller.

Representative Britt offered **House Amendment No. 13**.

### *House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 3 of said page, by inserting after the number "303.043" the number "304.235"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the phrase "Section 577.048" and inserting in lieu thereof the phrase: "Sections 304.235 and 577.048"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by inserting after the number "302.321" the number "304.235"; and

Further amend said bill, Page 18, Section 302.321, Line 4 of said page, by inserting after all of said line the following:

"304.235. All commercial motor vehicles shall be required to stop at an official weigh station, **or to be identified through automated means approved by this state and determined to be in compliance without the necessity of stopping**, except those licensed for a gross weight of not more than twelve thousand pounds shall not be required to stop **or to be identified** unless so directed by a peace officer **or a commercial motor vehicle enforcement officer or inspector**. **The provisions of sections 32.057 and 32.091, RSMo, which govern confidentiality and prohibit the release of information shall not apply to commercial motor vehicle enforcement officers or their licensees in the performance of their duties at weigh stations. Any person who does not stop at a weigh station or who otherwise improperly evades stopping at the weigh station and who is later determined not to be in compliance with the provisions of this chapter governing weigh limits may be punished pursuant to section 304.570.**"

On motion of Representative Britt, **House Amendment No. 13** was adopted.

Representative Hartzler (124) offered **House Amendment No. 14**.

### *House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 7, Section 302.302, Line 1 by inserting after said line the following:

**"In violation of subsection 2 of section 304.102.....6 points"; and**

Further amend said bill, Page 18, section 302.321, line 4 by inserting after said line the following:

"304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved **or there are aggravating circumstances** then it shall be a class A misdemeanor. **For the purposes of this section, the term "aggravating circumstances" shall be defined as circumstances in which any person suffers death or serious physical injury, as defined in section 565.002, RSMo, as a result of the violation of this section.**; and

Further amend said bill, Page 18, Section 577.014, Line 18 by inserting after said line the following:

"577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following



circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; or

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater.

**(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in the a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in the county or municipal ordinances.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to him.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hartzler (124), **House Amendment No. 14** was adopted.

Representative Ladd Stokan offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 6, Section 302.171, Line 4, by inserting after all of said line the following:

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security

number, or, if applicable, a certified statement must be submitted as provided in subsection 4 [or 5] of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 [or 5] of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. [The director of revenue shall issue a commercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits the use of identification numbers by members as being contrary to its religious tenets.

5.] The director of revenue shall issue a **commercial or** noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

[6.] **5.** The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a [certified] statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

[7.] **6.** The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

[8.] **7.** The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as is on the driver's license upon payment of seven dollars and fifty cents if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for seven dollars and fifty cents. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

[9.] **8.** No rule or portion of a rule promulgated [under] **pursuant to** the authority of this chapter shall become effective [until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

10. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

11. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

12. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;



(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

13. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

14. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratifies the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

15. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.] **unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**; and

Further amend the title and enacting clause accordingly.

On motion of Representative Ladd Stokan, **House Amendment No. 15** was adopted.

Representative Schilling offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Lines 22 to 23 of said page, by deleting the phrase "577.048 and 577.049" and inserting in lieu thereof the phrase "577.048, 577.049 and 1"; and

Further amend said bill, Page 33, Section 577.049, Line 8 of said page, by inserting after all of said line the following:

**"Section 1. 1. No person who does not possess a license to engage in business as or act as a motor vehicle dealer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer issued pursuant to section 301.559, RSMo, may:**

**(1) Show for sale any motor vehicle unless the certificate of ownership of the motor vehicle being shown for sale bears such person's name and any other information deemed pertinent by the department of revenue;**

**(2) Display a sign or otherwise advertise the sale of such person's motor vehicle unless the sign or advertisement bears a telephone number of such person or of another person whose name appears on the certificate of ownership of the advertised motor vehicle;**

**(3) Place, for the purpose of showing for sale, a motor vehicle on property not owned by an owner of such motor vehicle named on the certificate of ownership without displaying a valid motor vehicle sales permit from the department of revenue and displaying in a visible location in or on the motor vehicle as prescribed by the department of revenue. A ninety-day motor vehicle sales permit shall be issued by any office of the department of revenue to any person or persons named on a certificate of ownership of a motor vehicle. A motor vehicle sales permit shall only be valid for the vehicle for which the motor vehicle sales permit is issued. The fee for a motor vehicle sales permit shall be twenty dollars. All motor vehicle sales permits shall contain a description of the vehicle being sold or shown for sale, including the make, model, year, color, vehicle identification number, and the name and address of the seller; or**

**(4) Deliver, for the purpose of allowing such vehicle to be shown for sale, such person's motor vehicle to another person without first assigning such person's certificate of ownership to the person accepting delivery of the motor vehicle.**

**2. Any person who causes a motor vehicle to be shown for sale or shows a motor vehicle for sale in violation of subsection 1 of this section shall be fined not less than one hundred dollars and not more than two hundred fifty dollars. Any motor vehicle shown for sale in violation of this section shall be subject to impoundment at the expense of the person who caused the motor vehicle to be shown for sale. Any motor vehicle which is delivered and shown for sale in violation of subdivision (4) of subsection 1 of this section may be confiscated and sold at a public auction by the jurisdiction in which the motor vehicle was shown for sale. Fifty percent of the proceeds of any such sale shall be allocated to the local school district and the other fifty percent shall be allocated to the department of revenue.**

**3. The department of revenue shall be authorized to enforce the provisions of this section or to delegate enforcement authority to local law enforcement. The director of the department of revenue may promulgate any rules and regulations necessary to implement the provisions of this section. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."**

On motion of Representative Schilling, **House Amendment No. 16** was adopted.

Representative Boatright offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 18, Section 302.321, Line 4, by inserting after all of said line the following:

"302.341. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state [with a population of at least one thousand] fails to dispose of the charges of which [he] **such person** is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against [him] **such person** for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the [defendant] **person** by ordinary mail at the last address shown on the court records that the court will order the director of **the department of revenue** to suspend the [defendant's] **person's** driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the [defendant] **person** fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director [of revenue] of such failure and of the pending charges against the [defendant] **person**. Upon receipt of this notification, the director shall suspend the **driver's** license of the [driver] **person**, effective immediately, and provide notice of the suspension to the [driver] **person** at the last address for the [driver] **person** shown on the records of the department of revenue. Such suspension shall remain in effect until satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the [individual] **person**. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely [under] **as provided by** the provisions of this section. If any city, town or village receives more than forty-five percent of its total annual revenue from fines for traffic violations occurring on state highways, all revenues from such violations in excess of forty-five percent of the total annual revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed."; and

Further amend title and enacting clause accordingly.

On motion of Representative Boatright, **House Amendment No. 17** was adopted.

Representative Ward offered **House Amendment No. 18**.

*House Amendment No. 18*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 92, Section 303.179, Line 12, by inserting immediately after all of said line the following:

**"Section 2. Notwithstanding the provisions of section 379.203, RSMo, to the contrary, uninsured motorist coverage shall be optional coverage for all motor vehicle liability policies issued in this state. The policy shall clearly indicate whether or not the insured accepted the optional uninsured motorist coverage."**

On motion of Representative Ward, **House Amendment No. 18** was adopted by the following vote:

AYES: 093



Abel Akin Alter Auer Ballard  
Barnett Bartelsmeyer Bartle Bennett Berkstresser  
Black Blunt Boatright Bonner Boykins  
Champion Chrismer Dolan Elliott Evans  
Foster Froelker Gambaro Gaskill Gibbons  
Graham 106 Griesheimer Gross Gunn Hampton  
Hanaway Hartzler 124 Hegeman Hendrickson Hickey  
Hohulin Holand Hollingsworth Hoppe Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Kreider Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble McBride McClelland  
McKenna Miller Myers Naeger Nordwald  
Overschmidt Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Richardson Rizzo  
Robirds Ross Sallee Schilling Schwab  
Scott Selby Shelton Shields Summers  
Surface Thompson 37 Thompson 72 Townley Troupe  
Vogel Ward Wright

NOES: 054

Backer Barry 100 Berkowitz Boucher Britt  
Carter Cierpiot Crump Daniel Davis 122  
Davis 63 Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser George Graham 24  
Gratz Green Hagan-Harrell Harlan Hartzler 123  
Hilgemann Hosmer Kelly 27 Lakin May 108  
Mays 50 McLuckie Merideth Monaco Murphy  
Murray O'Connor O'Toole Parker Reynolds  
Ridgeway Scheve Seigfreid Skaggs Smith  
Stokan Treadway Tudor Van Zandt Wagner  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Bray 84 Burton Campbell Clayton Crawford  
Days Enz Lawson Leake Ostmann  
Relford Secrest Wiggins

VACANCIES: 003

Representative Robirds offered **House Amendment No. 19.**

*House Amendment No. 19*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the title, Line 3, by inserting after the following: "303.043," the following: "307.020,"; and

Further amend said bill, Page 1, In the title, Line 12, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 17, by deleting the following: "Section 577.048," and inserting in lieu thereof the following: "Sections 307.020 and 577.048,"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the following: "302.321," the following: "307.020,"; and

Further amend said bill, Page 18, Section 302.321, Line 4, by inserting after all of said line the following:

"307.020. As used in sections 307.020 to 307.120, [unless the context requires another or different construction] **the following terms mean:**

- (1) "Approved" [means], approved by the director of revenue and when applied to lamps and other illuminating devices means that such lamps and devices must be in good working order;
- (2) "Auxiliary lamp" [means], an additional lighting device on a motor vehicle used primarily to supplement the headlamps in providing general illumination ahead of a vehicle;
- (3) "Headlamp" [means], a major lighting device capable of providing general illumination ahead of a vehicle;
- (4) "Mounting height" [means], the distance from the center of the lamp to the surface on which the vehicle stands;
- (5) "Multiple-beam headlamps" [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use one of two or more distributions of light on the road;
- (6) "Reflector" [means], an approved device designed and used to give an indication by reflected light;
- (7) "Single-beam headlamps" [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use but one distribution of light on the road;
- (8) "Vehicle" [means], every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks;
- (9) "When lighted lamps are required" [means], at any time from a half-hour after sunset to a half-hour before sunrise, **at anytime when rain, snow, fog or other atmospheric conditions require the use of windshield wipers**, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead."

On motion of Representative Robirds, **House Amendment No. 19** was adopted by the following vote:

AYES: 104

Abel Akin Alter Ballard Barnett

Barry 100 Bartelsmeyer Bartle Berkowitz Berkstresser

Black Boatright Bonner Boykins Britt

Carter Crump Daniel Davis 122 Davis 63

Dolan Dougherty Elliott Evans Farnen

Foley Ford Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kennedy King  
Koller Kreider Legan Levin Liese  
Long May 108 Mays 50 McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Naeger Nordwald O'Connor Ostmann Overschmidt  
Parker Patek Pouche Ransdall Reynolds  
Richardson Robirds Ross Sallee Schilling  
Scott Seigfreid Shelton Skaggs Smith  
Stokan Summers Surface Thompson 37 Townley  
Treadway Troupe Tudor Van Zandt Wagner  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 033

Auer Blunt Burton Champion Chrismer  
Cierpiot Foster Gross Hendrickson Hohulin  
Howerton Klindt Lakin Linton Lograsso  
Luetkemeyer Marble McBride Murphy Myers  
O'Toole Pryor Purgason Reid Reinhart  
Ridgeway Rizzo Selby Shields Thompson 72  
Vogel Ward Wright

PRESENT: 000

ABSENT WITH LEAVE: 023

Backer Bennett Boucher Bray 84 Campbell  
Clayton Crawford Days Enz Fitzwater  
Harlan Hegeman Kelly 27 Kissell Lawson  
Leake Loudon Luetkenhaus Relford Scheve  
Schwab Secrest Wiggins

VACANCIES: 003

Representative Crump offered **House Amendment No. 20.**

*House Amendment No. 20*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 33, Section 577.049, Line 8, by inserting after said line the following:

**"Section 1. 1. Any person under the age of twenty-five who, before or after obtaining a Missouri motor vehicle driver's license, has passed a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education shall, upon passing such course, be entitled to receive a discount of 15 percent on his or her automobile insurance.**

2. The director of the department of insurance and the director of the department of elementary and secondary education may promulgate rules and forms for the enforcement of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Representative Pouche offered **House Substitute Amendment No. 1 for House Amendment No. 20.**

*House Substitute Amendment No. 1 for*

*House Amendment No. 20*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 33, Section 577.049, Line 8, by inserting after said line the following:

"Section 1. 1. Any person under the age of twenty-five who, before or after obtaining a Missouri motor vehicle driver's license, has passed a driver training program taught by a driver training instructor holding a valid driver education endorsement, issued by the Missouri Department of Public Safety, may upon passing such course, be entitled to receive a discount of fifteen percent on his or her automobile insurance.

2. The director of the department of insurance and the director of the department of elementary and secondary education may promulgate rules and forms for the enforcement of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Representative Pouche moved that **House Substitute Amendment No. 1 for House Amendment No. 20** be adopted.

Which motion was defeated.

On motion of Representative Crump, **House Amendment No. 20** was adopted.

Representative Akin offered **House Amendment No. 21.**

*House Amendment No. 21*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 60, Section 307.350, Line 3 of said page, by inserting after all of said line the following:

"5. Beginning January 1, 2000, in all counties where vehicle emissions are required to be tested pursuant to section 307.366 and beginning January 1, 2005, in all other counties:

(1) Before the seventh working day of each calendar month, each operator of an official inspection station that issues a certificate of inspection and approval pursuant to this section shall provide to the department of revenue a record of each certificate issued during the immediately preceding month. Such record shall comply with the requirements established by the department by administrative rule;

(2) The record required pursuant to this subsection shall include the following:

(a) The name, date of birth, driver's license number and address of the owner of the motor vehicle inspected;

(b) The make, vehicle identification number, year and odometer reading of each motor vehicle inspected;

(c) The date of the inspection and the results of the inspection;

On motion of Representative Akin, **House Amendment No. 21** was adopted.

Representative May (108) offered **House Amendment No. 22.**



*House Amendment No. 22*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-nine"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Lines 22 and 23 of said page, by deleting the phrase ", 577.048 and 577.049" and inserting in lieu thereof the phrase "1 and 2"; and

Further amend said bill, Page 33, Section 577.049, Line 8 of said page, by inserting after all of said line the following:

**"Section 1. 1. If a Missouri resident is charged with ten or more violations of county law or municipality law regulating the parking of a motor vehicle and fails to dispose of the charges of which such defendant is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply, inform the defendant by ordinary mail at the last address shown on the court records that the court shall order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. The office of the state court administrator and the department of revenue shall work in conjunction to prescribe the form to be used in sending notification to the department of revenue.**

**2. Upon receipt of such notification, the director shall suspend the defendant's driving privileges or deny the defendant's application for such privileges, effective immediately, and provide notice of the suspension or denial to the defendant at the last address for the defendant shown on the records of the department of revenue. Such suspension shall remain in effect until satisfactory evidence of the disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the defendant. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of a reinstatement fee pursuant to section 302.304, RSMo, the director shall reinstate the defendant's driving privileges and send notice to the defendant advising of the reinstatement and the effective date of such reinstatement.**

**3. The filing of financial responsibility with the department of revenue shall not be required as a condition of reinstatement of a defendant's driving privileges suspended or denied pursuant to the provisions of this section.**

**4. In the event a defendant's driving privileges are suspended by the director, the defendant may appeal to the circuit court of the county in which the defendant is a resident. The sole issue at the hearing shall be whether the court issued a notice for the director to suspend the defendant's driving privileges.**

**Section 2. Other provisions of law to the contrary notwithstanding, any city may by ordinance include as a charge on bills issued for personal property taxes any outstanding parking violations issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city. No personal property tax bill shall be considered paid unless all charges for parking violations are also paid in full and the collector of revenue shall not issue a paid personal property receipt until all such charges are paid."**

On motion of Representative May (108), **House Amendment No. 22** was adopted.

Representative Gross offered **House Amendment No. 23**.

*House Amendment No. 23*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, Section A, Line 23, by inserting immediately after said line the following:

**"301.142. 1. As used in this section the term "physically disabled" means a natural person who is a blind person, as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:**

**(1) The person cannot walk fifty feet without stopping to rest; or**

**(2) The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or**

**(3) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one second, when**

measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(4) Uses portable oxygen; or

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.

2. "Temporarily disabled person" means a physically disabled person whose disability or incapacity can be expected to last for not more than one hundred eighty days.

3. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, and by state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4. No additional fee shall be paid to the director of revenue for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "disabled" as prescribed in subsection 3 of this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

5. Any physically disabled person, or the parent or guardian of any such person, or any not for profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard to be hung from the rearview mirror of a parked motor vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be two dollars and the removable windshield placard shall be renewed every year. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard shall be issued to an applicant who has not been issued disabled person license plates. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, one additional temporary windshield placard shall be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to subsection 6 of this section is supplied to the director of revenue at the time of renewal. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.

6. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section. The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield



placard for a period of thirty days. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director may, in cooperation with the boards which shall assist the director, establish a list of all physicians' names and of any other information necessary to administer this subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection.

7. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit an affidavit stating this fact, in addition to the physician's statement. The affidavit shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this affidavit with each application for license plates.

8. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons in those states.

9. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of such person shall return the plates or placards or both to the director of revenue under penalty of law. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

10. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be two dollars.

11. Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Gross, **House Amendment No. 23** was adopted.

Representative Holand offered **House Amendment No. 24**.

*House Amendment No. 24*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 5 of said page, by inserting after the number "302.020" the number "302.138"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting after the number "302.020" the number "302.138"; and

Further amend said bill, Page 3, Section 302.020, Line 18 of said page, by inserting after all of said line the following:

"[302.138. The provisions of sections 302.133 to 302.137 shall terminate on August 28, 1999.];" and

Further amend said bill, Page 45, Section 302.173, Line 13 of said page, by inserting after the word "sought" the phrase "; **except that, effective September 1, 2000, an applicant for a new motorcycle operators license shall, in lieu of an actual demonstration of ability, submit proof of the successful completion of a motorcycle training course approved pursuant to sections 302.133 to 302.138.**"; and

Further amend said bill, Page 46, Section 302.173, Lines 16 to 22 of said page, by inserting an opening bracket "[" before the number "3." and inserting a closing bracket "]" after the word "endorsement".

Representative Lograsso requested a division of the question.

*House Amendment No. 24*

PART I

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 5 of said page, by inserting after the number "302.020" the number "302.138"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by inserting after the number "302.020" the number "302.138"; and

Further amend said bill, Page 3, Section 302.020, Line 18 of said page, by inserting after all of said line the following:

"[302.138. The provisions of sections 302.133 to 302.137 shall terminate on August 28, 1999.];" and

On motion of Representative Holand, **Part I of House Amendment No. 24** was adopted.

*House Amendment No. 24*

PART II

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 45, Section 302.173, Line 13 of said page, by inserting after the word "sought" the phrase "; **except that, effective September 1, 2000, an applicant for a new motorcycle operators license shall, in lieu of an actual demonstration of ability, submit proof of the successful completion of a motorcycle training course approved pursuant to sections 302.133 to 302.138.**"; and

Further amend said bill, Page 46, Section 302.173, Lines 16 to 22 of said page, by inserting an opening bracket "[" before the number "3." and inserting a closing bracket "]" after the word "endorsement".

Representative Holand moved that **Part II of House Amendment No. 24** be adopted.

Which motion was defeated by the following vote:

AYES: 030

Auer Boucher Carter Daniel Davis 122

Dougherty Fitzwater Fraser Gambaro Graham 24

Green Gunn Hilgemann Holand Hosmer

Kasten Kennedy Levin May 108 McClelland

McKenna McLuckie Merideth Murphy O'Toole

Reynolds Schilling Stokan Williams 121 Wilson

NOES: 105

Abel Akin Alter Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boykins Britt Burton Champion Chrismer

Cierpiot Crawford Crump Davis 63 Dolan

Elliott Evans Farnen Foley Ford

Foster Franklin Froelker Gaskill George



Gibbons Gratz Griesheimer Gross Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hegeman Hendrickson  
Hickey Hohulin Hoppe Howerton Kelley 47  
Kelly 27 King Kissell Klindt Koller  
Kreider Lakin Legan Liese Linton  
Lograsso Loudon Luetkemeyer Luetkenhaus Marble  
Mays 50 McBride Miller Murray Myers  
Naeger Nordwald O'Connor Ostmann Overschmidt  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Richardson Ridgeway Robirds  
Ross Schwab Scott Seigfreid Shelton  
Shields Skaggs Smith Summers Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Williams 159 Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 025

Backer Bray 84 Campbell Clayton Days  
Enz Graham 106 Harlan Hartzler 124 Hollingsworth  
Lawson Leake Long Monaco Parker  
Relford Rizzo Sallee Scheve Secrest  
Selby Surface Thompson 37 Townley Wiggins

VACANCIES: 003

Representative Scott offered **House Amendment No. 25.**

*House Amendment No. 25*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 33, Section 577.049, Line 8, by inserting after said line the following:

**"Section 1. For purposes of section 302.341, RSMo, "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number."; and**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Scott, **House Amendment No. 25** was adopted.

Representative Legan offered **House Amendment No. 26.**

*House Amendment No. 26*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, Section A, Line 23, by inserting after said line the following:

" 301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. [The] **If the inspection is completed by the sheriff, the** proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Legan, **House Amendment No. 26** was adopted.

Representative Patek offered **House Amendment No. 27**.

*House Amendment No. 27*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 6, by inserting after the number "302.304," the number "302.309,"; and

Further amend said bill, Page 1, In the title, Line 12, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 18, by inserting after the number "302.304," the number "302.309,"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "302.304," the number "302.309,"; and

Further amend said bill, Page 17, Section 302.304, Line 8 of said page, by inserting after all of said line the following:

"302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

2. Any operator whose license is revoked [under] **pursuant to** these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving [privileges] **privilege** shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor

vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs; or

(e) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving [privileges] **privilege** the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited [privileges] **privilege**, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for that vehicle.

(4) The court order or the director's grant of the limited driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points [under the provisions of] **pursuant to** section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle [under the authority of] **pursuant to** a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(5) Except as provided in subdivision (6) of this subsection, no person is eligible to receive [hardship] **a limited** driving privilege **who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or** whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, RSMo, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as provided in section 577.060, RSMo;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041, RSMo, or a similar implied consent law of any other state;

(g) Disqualification of a commercial driver's license pursuant to sections 302.700 to 302.780, however, nothing in this subsection shall prevent a person holding a commercial driver's license who is suspended or revoked as a result of an action occurring while not driving a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an operator of a personal vehicle from applying for [hardship] **a limited** driving [privileges] **privilege** to operate a commercial vehicle, if otherwise eligible for such [hardship] **limited** privilege; or

(h) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for limited driving [privileges] **privilege**; or due to a revocation [under] **pursuant to** subsection 2 of section 302.525 if such person has not completed such revocation.

(6) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such



person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for **a** limited driving [privileges] **privilege** pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) **Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition,** a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years **because of two convictions of driving while intoxicated,** as prescribed in subdivision (10) of section 302.060, to apply for **a** limited driving [privileges] **privilege** pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving [privileges] **privilege** pursuant to the provisions of this subdivision.

4. Any person who has received notice of denial of a request of limited driving [privileges] **privilege** by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving [privileges] **privilege**.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section."

Representative Patek moved that **House Amendment No. 27** be adopted.

Which motion was defeated.

Representative Graham (24) offered **House Amendment No. 28**.

Representative Lograsso raised a point of order that **House Amendment No. 28** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Evans offered **House Amendment No. 28**.

*House Amendment No. 28*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 69, Section 307.365, Line 23, by inserting after the word "patrol." the following: **"Brakes may be inspected for safety by means of visual inspection or computerized brake testing."**

On motion of Representative Evans, **House Amendment No. 28** was adopted.

Representative Froelker offered **House Amendment No. 29**.

*House Amendment No. 29*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, Section A, Line 23, by inserting after said line the following:

" 137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and



possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge or management, and all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

- (a) Such sale was closed at a date relevant to the property valuation; and

- (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

- (2) Livestock, twelve percent;

- (3) Farm machinery, twelve percent;

- (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

- (5) Poultry, twelve percent; and

- (6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. **The person may enter the mileage on the statement, in a space provided for that purpose, which any listed motor vehicle has on the date such statement is signed.** The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;

- (2) For real property in subclass (2), twelve percent; and

- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at

the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle. **The assessor shall also consider the mileage of the motor vehicle as listed pursuant to subsection 4 of this section when determining the value of such vehicle or, if no mileage is listed, the assessor shall estimate the vehicle's mileage and consider such estimate when determining such vehicle's value.**

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall conduct a physical inspection of such property."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Froelker, **House Amendment No. 29** was adopted by the following vote:

AYES: 100

Abel Akin Alter Auer Backer

Ballard Barnett Bartelsmeyer Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boykins Burton Champion Chrismer Cierpiot

Crawford Crump Davis 63 Dolan Elliott

Evans Farnen Ford Foster Froelker

Gambaro Gaskill Gibbons Graham 106 Griesheimer

Gross Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hilgemann Hoppe

Hosmer Howerton Kasten Kelley 47 Kennedy

King Kissell Koller Kreider Levin

Liese Linton Lograsso Loudon Luetkemeyer

Marble McBride McClelland McLuckie Merideth

Miller Murphy Myers Naeger O'Toole

Ostmann Overschmidt Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Seigfreid Shelton Shields Smith Stokan  
Summers Townley Troupe Tudor Van Zandt  
Ward Wiggins Williams 159 Wright Mr. Speaker

NOES: 037

Barry 100 Berkowitz Boucher Britt Carter  
Daniel Davis 122 Dougherty Fitzwater Foley  
Franklin Fraser George Graham 24 Gratz  
Green Gunn Hagan-Harrell Hickey Hollingsworth  
Kelly 27 Lakin May 108 Mays 50 McKenna  
Murray O'Connor Reynolds Rizzo Scheve  
Schilling Selby Skaggs Thompson 72 Vogel  
Wagner Wilson

PRESENT: 000

ABSENT WITH LEAVE: 023

Bray 84 Campbell Clayton Days Enz  
Hohulin Holand Klindt Lawson Leake  
Legan Long Luetkenhaus Monaco Nordwald  
Parker Relford Scott Secrest Surface  
Thompson 37 Treadway Williams 121

VACANCIES: 003

Representative Bennett offered **House Amendment No. 30.**

*House Amendment No. 30*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 12 of said page, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Lines 22 and 23 of said page, by deleting the phrase "and 577.049" and inserting in lieu thereof the phrase ", 577.049 and 1"; and

Further amend said bill, Page 33, Section 577.049, Line 8 of said page, by inserting after all of said line the following:

**"Section 1. Notwithstanding any other provision of law to the contrary, no person may be tried for an alleged violation of section 577.012, RSMo, in a municipal court located in a city with a population of less than fifty thousand inhabitants."**

Representative Bennett moved that **House Amendment No. 30** be adopted.

Which motion was defeated.

Representative Ballard offered **House Amendment No. 31.**



*House Amendment No. 31*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 33, Section 577.049, Line 8, by inserting after said line the following:

**"Section 1. Four-wheel farm wagons may be drawn by any licensed motor vehicle on the highways of this state without complying with the provisions of the law relating to titling and registration, lights and display of license plates; provided that, unlicensed farm wagons shall only be drawn during daylight hours within five miles of the residence of the owner thereof."**

On motion of Representative Ballard, **House Amendment No. 31** was adopted.

Representative Patek offered **House Amendment No. 32.**

*House Amendment No. 32*

AMEND House Substitute for House Committee Substitute for House Bill No. 723, Page 1, In the Title, Line 5, by inserting after the number "302.020," the number "302.060,;" and

Further amend said bill, Page 1, In the Title, Line 12, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 18, by inserting after the number "302.020," the number "302.060,;" and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "302.020," the number "302.060,;" and

Further amend said bill, Page 3, Section 302.020, Line 18 of said page, by inserting after all of said line the following:

"302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; [except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;]

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the crime of involuntary manslaughter while



operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo.

**2. Any person who is ineligible for a license pursuant to subdivision (9) of this section shall be ineligible to receive a hardship, limited or restricted driving privilege pursuant to section 302.309."**

On motion of Representative Patek, **House Amendment No. 32** was adopted by the following vote:

AYES: 090

Akin Alter Ballard Barnett Barry 100  
Bartelsmeyer Bartle Bennett Berkstresser Black  
Blunt Boatright Bonner Boucher Burton  
Champion Chrismer Cierpiot Crawford Davis 63  
Dolan Elliott Evans Foster Franklin  
Froelker Gambaro Gibbons Graham 106 Gratz  
Griesheimer Gross Gunn Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hilgemann Hoppe  
Hosmer Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Kreider Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble McClelland Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schwab Scott Shields  
Skaggs Smith Stokan Summers Tudor  
Vogel Wagner Williams 121 Williams 159 Wright

NOES: 052

Abel Auer Backer Berkowitz Boykins  
Britt Carter Crump Daniel Davis 122  
Dougherty Farnen Fitzwater Fraser George  
Graham 24 Green Hagan-Harrell Hampton Harlan  
Hickey Hollingsworth Kelly 27 Koller Lakin  
Lawson Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Murray O'Connor  
O'Toole Overschmidt Reynolds Rizzo Schilling  
Seigfreid Selby Shelton Thompson 72 Townley

Treadway Troupe Van Zandt Ward Wiggins

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Bray 84 Campbell Clayton Days Enz

Foley Ford Gaskill Hohulin Holand

Leake Monaco Parker Relford Scheve

Secrest Surface Thompson 37

VACANCIES: 003

On motion of Representative Koller, **HS HCS HB 723, as amended**, was adopted.

On motion of Representative Koller, **HS HCS HB 723, as amended**, was ordered perfected and printed.

**HCS HB 780**, relating to initiative petitions, was taken up by Representative Van Zandt.

Representative Reid offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 780, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Lines 4 and 5, by deleting the following: "116.150 and 116.220" and inserting in lieu thereof the following: "116.150, 116.220 and 1"; and

Further amend said bill, Page 8, Section 116.220, Line 8, by inserting after all of said line the following:

**"Section 1. Notwithstanding any other provision of law to the contrary, the people in any municipality or any school district in this state may lower the rate of any property tax or sales tax levied by such municipality or school district by presenting an initiative petition, signed by twenty percent of the registered voters in such municipality or district who voted at the last gubernatorial election, to the proper election authority for approval of the question by a majority of the voters voting in such municipality or district. The petition shall state the specific tax to be lowered, the current rate of such tax and the rate at which such tax will be imposed if such petition is approved. The question shall read substantially as follows:**

**Shall the ..... (insert name of municipality or school district) lower the ..... (insert the specific tax to be lowered, e.g., property tax, sales tax) from the current rate of ..... (insert current rate) to a rate of ..... (insert proposed lowered rate)?**

**[ ] YES [ ] NO**

**If the constitutionally required number of qualified voters voting on such petition in such municipality or district approve such petition, then the rate of taxation shall be lowered to the amount specified in such question beginning on the first day of the fiscal year next following the approval of such question. If the constitutionally required number of qualified voters voting thereon do not approve such petition, then the existing rate of taxation shall remain until such a petition is approved by a majority of the qualified voters thereon or until such rate is lowered as otherwise provided by law."**

On motion of Representative Reid, **House Amendment No. 1** was adopted by the following vote:

AYES: 082

Akin Alter Backer Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkstresser  
Black Blunt Boatright Bonner Chrismer  
Cierpiot Crawford Crump Davis 122 Davis 63  
Elliott Evans Farnen Foster Gambaro  
Gaskill George Gibbons Graham 106 Gratz  
Green Griesheimer Gross Hampton Hanaway  
Hartzler 124 Hegeman Hendrickson Hohulin Howerton  
Kasten King Kissell Klindt Kreider  
Legan Levin Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble McKenna  
Miller Murphy Myers Naeger O'Toole  
Overschmidt Patek Pouche Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee

Schwab Scott Selby Shields Summers  
Thompson 72 Townley Treadway Tudor Vogel  
Wagner Wright

NOES: 046

Auer Berkowitz Boykins Britt Carter  
Daniel Dougherty Fitzwater Foley Fraser  
Graham 24 Hagan-Harrell Hartzler 123 Hickey Hilgemann  
Hollingsworth Hoppe Kelly 27 Kennedy Lakin  
Lawson Liese May 108 Mays 50 McBride  
McClelland McLuckie Murray O'Connor Ostmann  
Ransdall Reynolds Rizzo Scheve Schilling  
Seigfreid Shelton Skaggs Smith Van Zandt  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 032

Abel Boucher Bray 84 Burton Campbell  
Champion Clayton Days Dolan Enz  
Ford Franklin Froelker Gunn Harlan  
Holand Hosmer Kelley 47 Koller Leake

Merideth Monaco Nordwald Parker Pryor  
Purgason Relford Secrest Stokan Surface  
Thompson 37 Troupe

VACANCIES: 003

Representative Crump offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 780, Page 1, In the Title, Line 3, by deleting the following: "116.100 and 116.130," and inserting in lieu thereof the following: "116.100, 116.130, 116.160, 116.170, 116.175 and 116.190,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the following: "116.100 and 116.130," and inserting in lieu thereof the following: "116.100, 116.130, 116.160, 116.170, 116.175 and 116.190,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the following: "116.150 and" and inserting in lieu thereof the following: "116.150, 116.155, 116.160, 116.170, 116.175, 116.190 and"; and

Further amend said bill, Page 8, Section 115.150, Line 11, by inserting after all of said line the following:

**"116.155. 1. The general assembly may include the official summary statement and a fiscal note summary in any statewide ballot measure that it refers to the voters.**

**2. The official summary statement approved by the general assembly shall, taken together with the approved fiscal note summary, be the official ballot title and such summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.**

**3. The fiscal note summary approved by the general assembly shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure in language neither argumentative nor likely to create prejudice for or against the proposed measure.**

116.160. 1. [After] If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill **without a fiscal note summary**, which is to be referred to a vote of the people [and it has been delivered to the secretary of state], the secretary of state shall promptly forward the resolution or bill to the state auditor. **If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without an official summary statement, which is to be referred to a vote of the people**, within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure **as the proposed summary statement**. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The summary statement may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. The official summary statement shall contain no more than fifty words, **excluding articles**. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

116.170. [After] **If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary**, which is to be referred to a vote of the people [and it has been delivered to the state auditor], the state auditor shall, within thirty days **of delivery to the auditor**, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

116.175. 1. **Except as provided in section 116.155**, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.



3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, **excluding articles**, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

116.180. Within three days after receiving the official summary statement the approved fiscal note summary and the fiscal note relating to any statewide ballot measure from the state auditor, **and within thirty-three days after the presiding officer of each house of the general assembly has signed a bill or resolution that includes an official summary statement or fiscal note summary**, the secretary of state shall certify the official ballot title in separate paragraphs with the fiscal note summary immediately following the summary statement of the measure and shall deliver a copy of the official ballot title and the fiscal note to the speaker of the house or the president pro tem of the legislative chamber that originated the measure or, in the case of initiative or referendum petitions, to the person whose name and address are designated under section 116.332. Persons circulating the petition shall affix the official ballot title to each page of the petition prior to circulation and signatures shall not be counted if the official ballot title is not affixed to the page containing such signatures.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title **prepared by the secretary of state**. When the action challenges the fiscal note or the fiscal note summary **prepared by the auditor**, the state auditor shall also be named as a party defendant. **The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.**

3. The petition shall state the reason or reasons why the official ballot title is insufficient or unfair and shall request a different official ballot title.

4. The action shall be placed at the top of the civil docket. The court shall consider the petition, hear arguments, and in its decision certify the official ballot title to the secretary of state. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, the secretary of state shall certify the language which the court certifies to him."

On motion of Representative Crump, **House Amendment No. 2** was adopted.

Representative Long offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 780, Page 1, In the title, Line 2, by deleting the following: "116.140,"; and

Further amend said bill, Page 1, In the title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "116.140,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the following: "116.140,"; and

Further amend said bill, Page 6, Section 116.130, Lines 9 and 10, and Page 7, Section 116.130, Lines 11 to 14, by deleting all of said lines and inserting in lieu thereof the following:

**"(1) Copies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of secretary of state;**

**(2) Copies of all pages of a total of three petitions shall be received in the office of the election authority not later than three weeks after the petition is filed in the office of the secretary of state;**

**(3) If more than three petitions are filed, all copies of petition pages, including those petitions selected for verification by random sample pursuant to section 116.120, shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state."; and**

Further amend said bill, Page 8, Section 116.140, Lines 1 to 7, by deleting all of said section.

On motion of Representative Long, **House Amendment No. 3** was adopted.

On motion of Representative Van Zandt, **HCS HB 780, as amended**, was adopted.

On motion of Representative Van Zandt, **HCS HB 780, as amended**, was ordered perfected and printed.

**HCS HB 673**, relating to discipline of law enforcement officers, was taken up by Representative Kissell.

Representative Smith offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 673, Section 2, Page 2, Line 1, by deleting said line.; and

Further amend said bill, Section 2, Page 2, Line 2, by deleting the words "without just cause".

On motion of Representative Smith, **House Amendment No. 1** was adopted.

Representative Kissell offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 673, Page 2, Line 21, by inserting after the word "employing" the following: "law enforcement"; and

Further amend said bill, page 2, section 2, line 3, by deleting the word "department's" and inserting in lieu thereof the following: "employing law enforcement agency's"; and

Further amend said section, line 8, by deleting the word "department" and inserting in lieu thereof the following: "employing law enforcement agency"; and

Further amend said section, line 14, by deleting the word "department"; and

Further amend said bill, section 3, line 3, by deleting the following: "political subdivisions"; and

Further amend said section, page 3, line 22, by inserting after the word "enforcement" the word "officer"; and

Further amend said section, line 28, by deleting the word "then"; and

Further amend said bill, section 4, line 2, by deleting the word "then"; and

Further amend said section, line 4, by inserting before the word "committee" the following: "or grievance"; and

Further amend said section, line 5, by deleting the word "department" and inserting in lieu thereof the following: "employing law enforcement agency"; and

Further amend said section, line 7, by inserting before the word "committee" the following: "or grievance"; and

Further amend said section, line 11, by inserting after the word "hearing" the following: "or grievance"; and

Further amend said section, page 4, line 18, by inserting after the word "hearing" the following: "or grievance"

On motion of Representative Kissell, **House Amendment No. 2** was adopted.

Representative Ross offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 673, Section 1, Page 2, Line 18, by deleting said line and inserting in lieu thereof:

**"or an elected sheriff, elected marshal, appointed chief of police or any chief deputy, deputy or"**

On motion of Representative Ross, **House Amendment No. 3** was adopted.

Representative Fitzwater offered **House Amendment No. 4**.

Representative Kissell raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Seigfreid offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 673, Section 1, Page 1, Line 3, after the word "employs" by adding the following: **"at least twenty-five"**

Representative Seigfreid moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Loudon offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 673, Page 4, Section 5, Line 20, by adding after said line the following:

"Section 6. Any costs due to compliance with this act shall be reimbursable by the State of Missouri. Costs shall include, but not be limited to, rewriting employee handbooks, policy and procedure manuals, management and supervisory training, and legal costs attributed to this act."

Representative Loudon moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 048

Akin Ballard Barnett Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Cierpiot Elliott Evans Foster Froelker

Gaskill Graham 106 Griesheimer Hanaway Hartzler 123

Hegeman Hendrickson Kasten King Klindt

Legan Linton Lograsso Long Loudon

Marble McClelland Miller Myers Naeger

Patek Pouche Purgason Reinhart Richardson

Ridgeway Robirds Sallee Scott Shields

Summers Townley Vogel

NOES: 075

Alter Auer Barry 100 Berkowitz Bonner

Boucher Boykins Britt Carter Chrismer

Crawford Crump Daniel Davis 122 Davis 63

Dolan Dougherty Farnen Fitzwater Foley

Fraser Gambaro George Graham 24 Gratz

Green Gross Hagan-Harrell Hampton Hickey

Hilgemann Hollingsworth Hosmer Kelly 27 Kennedy

Kissell Kreider Lakin Lawson Levin

Liese Luetkenhaus May 108 McBride McKenna

McLuckie Merideth Murray O'Connor O'Toole

Ostmann Overschmidt Ransdall Reid Reynolds

Rizzo Ross Scheve Seigfreid Selby

Shelton Skaggs Smith Thompson 72 Treadway

Tudor Van Zandt Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 037

Abel Backer Bray 84 Burton Campbell

Champion Clayton Days Enz Ford

Franklin Gibbons Gunn Harlan Hartzler 124

Hohulin Holand Hoppe Howerton Kelley 47

Koller Leake Luetkemeyer Mays 50 Monaco

Murphy Nordwald Parker Pryor Relford

Schilling Schwab Secrest Stokan Surface

Thompson 37 Troupe

VACANCIES: 003

On motion of Representative Kissell, **HCS HB 673, as amended**, was adopted.

On motion of Representative Kissell, **HCS HB 673, as amended**, was ordered perfected and printed.



**HCS HBs 643, 710 & 711** was placed on the Informal Calendar.

**HB 952** was placed on the Informal Calendar.

**HB 133**, relating to federal land acquisition, was taken up by Representative Crump.

On motion of Representative Crump, **HB 133** was ordered perfected and printed.

**HB 120**, relating to income tax on pensions, was taken up by Representative Kreider.

Representative Gibbons offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 120, Page 2, Section 143.124, Line 42, by adding at the end of said line the following:  
"Notwithstanding any other provision of this section to the contrary, the deduction set forth in this section shall be \$6000.00 for all tax years commencing on or after January 1, 1999."

On motion of Representative Gibbons, **House Amendment No. 1** was adopted.

On motion of Representative Kreider, **HB 120, as amended**, was ordered perfected and printed.

#### **REFERRAL OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was referred to the Committee indicated:

**HB 15** - Budget

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579** - Fiscal Review (Fiscal Note)

#### **COMMITTEE REPORTS**

**Committee on Consumer Protection and Housing**, Chairman Schilling reporting:

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **HB 264**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SB 399**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 627**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 627, Page 1, Section 383.500, Line 14, by deleting all of said line and inserting in lieu thereof the following:

**"3. The board of registration for the healing arts may promulgate rules for the enforcement of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."**

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 782**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 325**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 325, Page 30, Section 431.180, Line 1, by inserting after the word "private" and before the word "construction" the words **design or** ; and

Further amend said bill, Section 431.180, Line 3, by striking all words on said line beginning with the word "For" and by striking all of Lines 4 and 5;; and

Further amend said bill, Section 431.180, Line 16, by inserting after said line a new subsection:

**4. For purposes of this section, design or construction work shall include design, construction, alteration, repair or maintenance of any building, roadway, or other structure or improvement to real property, or demolition or excavation connected therewith, and shall include the furnishing of surveying, architectural, engineering or landscape design, planning or management services, labor or materials, in connection with such work.**

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HB 81**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No.81, Page 5, Section 444.773, Line 30, by inserting immediately after all of said line the following:

**" 5. The commission shall approve or deny the permit within seventy five days after receipt of the director's recommendation, except that if a hearing on the permit is requested pursuant to sections 444.760 to 444.789, the commission shall approve or deny the permit within seventy five days after receipt of the findings of the hearing officer."**

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 33**, introduced by Representative Wiggins, relating to the annexation of the Moberly Correctional Center by the city of

Moberly.

## INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

**HB 1060**, introduced by Representative Wiggins, relating to clean water.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 4**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 3, Section 4.030, by inserting immediately after said section the following new section:

"Section 4.032. To the Department of Revenue

For the purpose of paying refunds for overpayment or erroneous payments

of any tax or any payment credited to Federal and Other Funds

From Federal and Other Funds \$ 500,000 E

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 5**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.340, Line 3, by deleting the number "211.393.1(4)" and inserting in lieu thereof the number "211.393.2(4)"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 6**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses,

grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 6, Section 6.060, by inserting immediately after said section the following new section:

"Section 6.061. To the Department of Agriculture

For the purpose of funding the Division of Animal Health

For the purpose of funding state meat and poultry inspections to

enable value-added meat and poultry processing

Personal Service \$ 54,936

Expense & Equipment **74,926**

From General Revenue Fund (Not to exceed 2.00 FTE) \$ 129,862"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 7**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 8**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 9**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.



The following member's presence was noted: Days.

## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, April 19, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-second Day, Wednesday, April 14, 1999, Page 1245, line 6, by inserting after said line the following:

"Representative McClelland moved that House Substitute Amendment No. 1 for House Amendment No. 8 be adopted.

Which motion was defeated."

Page 1245, by deleting lines 7 and 8 and inserting in lieu thereof the following:

"On motion of Representative Lograsso, House Amendment No. 8 was adopted by the following vote:"

Page 1231, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".

Page 1232, roll call, by showing Representative O'Toole voting "aye" rather than "absent with leave".

Page 1233, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

Page 1234, roll call, by showing Representative Naeger voting "aye" rather than "no".

Page 1234, roll call, by showing Representatives Berkstresser, Howerton, Kennedy, Loudon and O'Toole voting "aye" rather than "absent with leave".

Page 1235, roll call, by showing Representatives Berkstresser, Champion, Kelly (27), Loudon, Ridgeway and Scott voting "aye" rather than "absent with leave".

Pages 1238 and 1239, roll call, by showing Representatives Liese, Ridgeway and Scott voting "aye" rather than "absent with leave".

Pages 1238 and 1239, roll call, by showing Representative Patek voting "no" rather than "absent with leave".

Pages 1239 and 1240, roll call, by showing Representatives Howerton, Liese, Patek and Scott voting "aye" rather than "absent with leave".

Pages 1240 and 1241, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 1242 and 1243, roll call, by showing Representative Kelley (47) voting "aye" rather than "absent with leave".

Page 1245, roll call, by showing Representative Carter voting "no" rather than "absent with leave".

Pages 1251 and 1252, roll call, by showing Representatives Hosmer and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1251 and 1252, roll call, by showing Representative Kelley (47) voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, April 20, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 940

### **CIVIL AND ADMINISTRATIVE LAW**

Thursday, April 22, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 506

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, April 20, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 480, HB 501, HB 696, SB 187

### **EDUCATION - HIGHER**

Monday, April 19, 1999. Side gallery upon adjournment.

To be considered - Executive Session - SB 33

### **JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING**

Monday, April 26, 1999, 12:00 pm. Hearing Room 8. Public testimony will be heard. Joe Driskill will present plans for enterprise zones.

### **LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, April 20, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session.

### **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, April 20, 1999, 9:00 am. Hearing Room 5. Possible executive session may follow.

To be considered - SB 451

### **SUB-COMMITTEE ON MUNICIPAL CORPORATIONS**

Monday, April 19, 1999, 3:00 pm. Room 114 A.

To be considered - HB 856

## **HOUSE CALENDAR**

FIFTY-FOURTH DAY, MONDAY, APRIL 19, 1999

## **HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 33 -

**HOUSE BILL FOR SECOND READING**

HB 1060

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HJR 20, as amended - Gratz

**HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 18 - Franklin

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 599 - Gunn

2 HCS HB 769 - Bray

3 HCS HB 934 - Treadway

4 HCS HB 456 - Fitzwater

5 HB 856 - Ford

6 HCS HB 640 - Campbell

7 HCS HB 354 - Barry

8 HCS HB 709 - Leake

9 HB 844 - Gratz

10 HB 519 - Relford

11 HCS HB 535 - May (108)

12 HB 406 - Mays (50)

13 HB 146, HCA 1 - Wiggins

14 HB 787 - Wiggins

15 HB 59, HCA 1 - Boucher

16 HB 699, HCA 1 - Kreider

17 HCS HB 142 - Campbell

18 HCS HB 488, 206 & 357 - May (108)

19 HB 85 - Troupe

20 HCS HB 200 - Troupe

21 HCS HB 89 - Troupe

22 HB 717 - Harlan

23 HCS HB 160 - O'Toole

24 HCS HB 730 - Leake

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

3 HCS HB 643, 710 & 711 - Bray

4 HB 952 - Koller

**HOUSE BILL FOR PERFECTION - CONSENT**

(April 13, 1999)

HB 691 - Miller

**HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 29, (4-18-99, pgs. 1121 & 1122) - Kreider

4 HCS HCR 24 & 15, (4-14-99, pgs. 1258 & 1259) - Boyins

5 HCR 30, (4-14-99, pg. 1257) - Clayton

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

**HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341,  
619, 62 & 579, E.C. (Fiscal Review 4-15-99) - Hosmer

3 HB 277 - Carter

4 HS HCS HB 180, (Fiscal Review 4-14-99) - Hoppe

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

SCR 16, (3-22-99, pg. 821) - Wiggins

**SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 169, HCA 1 - Boucher

2 SB 188 - Smith

3 SB 184 - Scheve

4 HCS SCS SB 275, E.C. - Hosmer

5 SB 237 - Hosmer

6 HCS SCS SB 240, 226 & 229, E.C. - Monaco

7 SB 10, HCA 1 - McKenna

8 SB 268 - Koller

9 SB 189 - Smith

10 SB 213 - Crump

11 SB 112 - Smith

12 SB 17, HCA 1 - Koller

(April 13, 1999)

13 SB 216 - Clayton

14 SB 353 - Ransdall

15 SCS SB 261 - Barry

16 SB 15 - Murray



17 SB 177 - May (108)

18 SB 321 - Smith

19 SB 329 - Smith

20 SB 271 - Smith

21 SB 414, HCA 1 - Leake

22 HCS SCS SB 334 - Wiggins

23 SB 28, HCA 1 - Auer

24 HCS SB 410 - Richardson

25 HCS SB 278 - May (108)

(April 14, 1999)

26 SB 443, E.C. - Farnen

27 SB 424 - Hampton

28 SB 83 - Gunn

29 SB 460 - Harlan

30 HCS SCS SB 218, E.C. - Farnen

31 HCS SCS SB 234, E.C. - Kennedy

32 HCS SB 426 - Wiggins

33 SB 362 - Barry

34 SB 197 - Rizzo

35 SCS SB 412 - Days

36 HCS#2 SB 25 - Carter

37 SB 435 - Crump

38 SB 401 - McBride

39 SB 357, HCA 1 - Linton

40 SCS SB 244 - Treadway

41 SB 207 - Hosmer

42 SB 352 - Koller

43 SB 277 - Wagner

44 SB 434 - Linton

45 SB 81 - Hoppe

46 SCS SB 90 - Hoppe

47 SB 139 - Hoppe

48 SB 12 - Hoppe

49 SB 220 - Hoppe

50 SB 153 - Hoppe

51 SCS SB 391 - Williams (159)

52 SCS SB 423 - Legan

53 SB 115, HCA 1 - Ransdall

54 SCS SB 159, HCA1 - Barry

55 HCS SB 214 - Hoppe

56 HCS SCS SB 170 - Pryor

57 HCS SB 34 - Lawson

58 HCS SB 270 - Kissell

59 SCS SB 176 - Ridgeway

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 SCS HB 1 - Green

2 SCS HCS HB 2 - Lakin

3 SCS HCS HB 3 - Lakin

4 SCS HCS HB 4, as amended, - Green

5 SCS HCS HB 5, as amended, - Green

6 SCS HCS HB 6, as amended, - Scheve

7 SCS HCS HB 7 - Scheve

8 SCS HCS HB 8 - Lakin

9 SCS HCS HB 9 - Troupe

#### **HOUSE RESOLUTIONS**

1 HR 62, (4-14-99, pg. 1256) - Gratz

2 HR 118, (4-14-99, pgs. 1256 & 1257) - Davis (122)

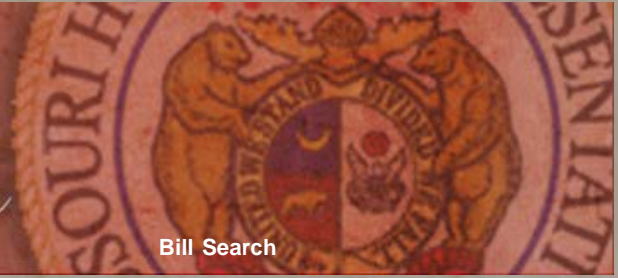
3 HR 276, (4-14-99, pg. 1257) - Gratz



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-FOURTH DAY, Monday, April 19, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Greg Higley, Pastor, Immaculate Conception Church, Jefferson City, MO.

Good and Gracious God and Father of All, Source of all blessings in our lives, Creator of every good thing in our world, we praise Your name and give You thanks.

We are grateful for the freedoms and liberties we know and enjoy in our country. We are grateful for the rights and privileges available to us as citizens of Missouri. We are most grateful of the dignities which belong to us as human beings who are called to live as Your children.

Guide the work of this legislative assembly. Make Your wisdom available to the men and women of this Chamber who work for the people of Missouri. Give them courage and strength to exercise their office in a manner which reflects Your parental care and concern for all God's children at home or abroad.

We bring this prayer before You trusting in Your mercy and love. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kristy Burmeister, Lindsey N. Monaco, Lisa A. Monaco, Dana Watkins, Dana Livingston, Marisha Thomas, Brendon Rogers, Karelia Kent, Tiffany Peterson and Elizabeth Peterson.

The Journal of the fifty-third day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 924 - Representative Murphy

House Resolution No. 925 and House Resolution No. 926 - Representative Patek

House Resolution No. 927 through House Resolution No. 929 - Representative Luetkemeyer

House Resolution No. 930 - Representative Ford

House Resolution No. 931 - Representatives Riback Wilson, Harlan, Graham (24), Backer, Farnen and Seigfreid

House Resolution No. 932 through House Resolution No. 942 - Representatives Gross and Bennett

House Resolution No. 943 - Representative Secrest

House Resolution No. 944 - Representative Gross  
House Resolution No. 945 - Representative Reid  
House Resolution No. 946 - Representative Backer  
House Resolution No. 947 - Representative Sallee

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 33** was read the second time.

#### **SECOND READING OF HOUSE BILL**

**HB 1060** was read the second time.

#### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 120, HB 133, HCS HB 780, HCS HB 673** and **HCS HBs 430 & 648**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HB 1**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **SCS HB 1** was adopted by the following vote:

AYES: 154

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hohulin Holand Hollingsworth Hosmer  
Howerton Kasten Kelley 47 Kelly 27 King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese



Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Dougherty Hilgemann Hoppe Kennedy Secrest  
Surface

VACANCIES: 003

On motion of Representative Green, **SCS HB 1** was truly agreed to and finally passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth

Hosmer Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Abel Hoppe Kelly 27 Patek Secrest  
Stokan

VACANCIES: 003

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**SCS HCS HB 2**, relating to appropriations, was taken up by Representative Lakin.

Representative Lakin moved that the House refuse to adopt **SCS HCS HB 2** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 3**, relating to appropriations, was taken up by Representative Lakin.

Representative Lakin moved that the House refuse to adopt **SCS HCS HB 3** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 4, as amended**, relating to appropriations, was taken up by Representative Green.

Representative Green moved that the House refuse to adopt **SCS HCS HB 4, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 5, as amended**, relating to appropriations, was taken up by Representative Green.

Representative Green moved that the House refuse to adopt **SCS HCS HB 5, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 6, as amended**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin moved that the House refuse to adopt **SCS HCS HB 6, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 7**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin moved that the House refuse to adopt **SCS HCS HB 7** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 8**, relating to appropriations, was taken up by Representative Lakin.

Representative Lakin moved that the House refuse to adopt **SCS HCS HB 8** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 9**, relating to appropriations, was taken up by Representative Franklin.

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Representative Franklin moved that the House refuse to adopt **SCS HCS HB 9** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

Speaker Gaw assumed the Chair.

**OATH OF OFFICE**

Representative-elect Terry M. Riley advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Steve Gaw, Speaker of the Missouri House of Representatives.

### THIRD READING OF HOUSE BILL

**HB 277**, relating to insurance coverage, was taken up by Representative Carter.

On motion of Representative Carter, **HB 277** was read the third time and passed by the following vote:

AYES: 089

Abel Auer Backer Barry 100 Berkowitz  
Black Bonner Boucher Boykins Bray 84  
Britt Campbell Carter Clayton Crump  
Daniel Davis 122 Davis 63 Days Dougherty  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Graham 24 Green  
Griesheimer Gunn Hagan-Harrell Hampton Harlan  
Hartzler 124 Hickey Hilgemann Hollingsworth Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Leake Lograsso Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murphy Murray O'Connor O'Toole  
Overschmidt Parker Ransdall Reid Reynolds  
Ridgeway Riley Rizzo Ross Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 068

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Blunt Boatright  
Burton Champion Chrismer Cierpiot Crawford  
Dolan Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Gratz  
Gross Hanaway Hartzler 123 Hegeman Hendrickson  
Hohulin Holand Howerton Kasten Kelley 47  
King Klindt Legan Levin Liese  
Linton Long Loudon Luetkemeyer Marble  
McClelland Merideth Miller Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reinhart Richardson Robirds Sallee



Schwab Scott Shields Summers Surface

Townley Tudor Vogel

PRESENT: 000

ABSENT WITH LEAVE: 004

Hoppe Relford Secrest Treadway

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL - CONSENT

**SB 169, with House Committee Amendment No. 1**, relating to the national guard, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **House Committee Amendment No. 1** was adopted.

On motion of Representative Ransdall, **SB 169, as amended**, was read the third time and passed by the following vote:

AYES: 123

Abel Akin Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boucher Boykins

Britt Campbell Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Elliott Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Griesheimer

Gross Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Hollingsworth Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Klindt

Lakin Lawson Leake Levin Liese

Lograsso Long Luetkemeyer Marble May 108

McBride McClelland McLuckie Merideth Monaco  
Murphy Murray Myers Naeger Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Robirds Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shields Smith Stokan Surface  
Thompson 72 Townley Treadway Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Bonner

ABSENT WITH LEAVE: 037

Alter Bennett Boatright Bray 84 Burton  
Carter Dougherty Ford Gratz Green  
Gunn Hickey Hilgemann Hoppe Kissell  
Koller Kreider Legan Linton Loudon  
Luetkenhaus Mays 50 McKenna Miller Nordwald  
O'Connor O'Toole Pryor Rizzo Ross  
Secrest Shelton Skaggs Summers Thompson 37  
Troupe Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative May (108), title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 3** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 4, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 5, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 6, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 7** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 8** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 9** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SCS HCS HB 2:** Representatives Franklin, Williams (121), Lakin, Legan, Patek

**SCS HCS HB 3:** Representatives Franklin, Williams (121), Lakin, Legan, Burton

**SCS HCS HB 4:** Representatives Franklin, Williams (121), Green, Legan, Gross

**SCS HCS HB 5:** Representatives Franklin, Williams (121), Green, Legan, Shields

**SCS HCS HB 6:** Representatives Franklin, Scheve, Williams (159), Legan, Graham (106)

**SCS HCS HB 7:** Representatives Franklin, Scheve, Williams (159), Legan, McClelland

**SCS HCS HB 8:** Representatives Franklin, Williams (121), Lakin, Legan, Crawford

**SCS HCS HB 9:** Representatives Franklin, Troupe, Kelly (27), Kelley (47), Legan

Speaker Pro Tem Kreider resumed the Chair.

### **THIRD READING OF SENATE BILLS - CONSENT**

**SB 188**, relating to veterans affairs, was taken up by Representative Smith.

On motion of Representative Smith, **SB 188** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lawson

Leake Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker



NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Akin Bartelsmeyer Gaskill Hoppe Lakin

Legan Patek Secrest Stokan

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Berkowitz moved that motion lay on the table.

The latter motion prevailed.

**SB 184**, relating to Missouri Humanities Council, was taken up by Representative Scheve.

On motion of Representative Scheve, **SB 184** was truly agreed to and finally passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkemeyer Luetkenhaus May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 006

Ballard Froelker Hohulin Lograsso Marble  
Myers

PRESENT: 000

ABSENT WITH LEAVE: 008

Champion Davis 122 Gaskill Hoppe Patek  
Pryor Secrest Stokan

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 275**, relating to Missouri Office of Prosecution Services, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS SCS SB 275** was adopted.

On motion of Representative Hosmer, **HCS SCS SB 275** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Clayton Crawford Crump Daniel  
Davis 122 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 004

Cierpiot Davis 63 Murphy Townley

PRESENT: 000

ABSENT WITH LEAVE: 002

Hoppe Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 127

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Clayton Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Farnen

Fitzwater Foley Ford Foster Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hickey Hilgemann

Holand Hollingsworth Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Liese Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Ross Sallee Scheve

Schilling Schwab Seigfreid Selby Shelton

Shields Skaggs Stokan Summers Surface

Thompson 37 Thompson 72 Treadway Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 031

Akin Bartle Black Blunt Boatright

Chrismer Cierpiot Crawford Enz Evans

Gross Hendrickson Hohulin Levin Linton

Lograsso Luetkemeyer Merideth Myers Patek

Pouche Pryor Purgason Reid Robirds

Scott Smith Townley Troupe Tudor

Wright

PRESENT: 000



ABSENT WITH LEAVE: 003

Franklin Hoppe Secrest

VACANCIES: 002

On motion of Representative Treadway, title to the bill was agreed to.

Representative Thompson (72) moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**SB 237**, relating to referral of juveniles, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **SB 237** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Daniel Davis 122

Davis 63 Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 002

Gunn Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Bennett Crump Days Franklin Hoppe  
Secrest Stokan

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SBs 240, 226 & 229**, relating to tourism tax, was taken up by Representative Monaco.

On motion of Representative Monaco, **HCS SCS SBs 240, 226 & 229** was adopted.

On motion of Representative Monaco, **HCS SCS SBs 240, 226 & 229** was read the third time and passed by the following vote:

AYES: 142

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Crawford Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Harlan  
Hartzler 123 Hartzler 124 Hegeman Hickey Hilgemann  
Holand Hollingsworth Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Linton Long  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 013

Akin Blunt Gibbons Hampton Hanaway  
Hendrickson Hohulin Loudon Murphy Myers  
Reid Ridgeway Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Clayton Crump Hoppe Liese Lograsso  
Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 123

Abel Auer Backer Barnett Barry 100  
Bartelsmeyer Bennett Berkowitz Berkstresser Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Cierpiot Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gunn Hagan-Harrell Harlan Hartzler 123  
Hegeman Hickey Hilgemann Holand Hollingsworth  
Hosmer Kasten Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Liese Long Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 035

Akin Alter Ballard Bartle Black  
Blunt Boatright Chrismer ElliottENZ  
Evans Foster Froelker Gibbons Gross  
Hampton Hanaway Hartzler 124 Hendrickson Hohulin  
Howerton Kelley 47 King Levin Linton  
Lograsso Loudon Luetkemeyer Myers Patek  
Pouche Pryor Reid Ridgeway Wright

PRESENT: 000

ABSENT WITH LEAVE: 003



Clayton Hoppe Secrest

VACANCIES: 002

On motion of Representative Backer, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**SB 10, with House Committee Amendment No. 1**, relating to Mark McGuire Highway, was taken up by Representative McKenna.

On motion of Representative McKenna, **House Committee Amendment No. 1** was adopted.

On motion of Representative McKenna, **SB 10, as amended**, was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Crawford Daniel Davis 122

Davis 63 Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 003

Merideth Seigfreid Wagner

PRESENT: 000

ABSENT WITH LEAVE: 006

Clayton Crump Days Hoppe Lograsso  
Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative O'Connor, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SB 268**, relating to Department of Transportation, was taken up by Representative Koller.

On motion of Representative Koller, **SB 268** was truly agreed to and finally passed by the following vote:

AYES: 123

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Blunt Bonner Boucher  
Boykins Bray 84 Britt Burton Carter  
Chrismer Daniel Davis 122 Davis 63 Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hickey Hilgemann Hohulin  
Holand Hollingsworth Hosmer Howerton Kasten  
Kelley 47 Kennedy Kissell Koller Leake  
Legan Levin Liese Linton Long  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murray Naeger Nordwald O'Connor O'Toole  
Overschmidt Parker Patek Purgason Ransdall  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Treadway Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 029

Ballard Bartle Boatright Campbell Champion  
Cierpiot Crawford Enz Ford Hanaway  
Hendrickson Kelly 27 King Klindt Kreider  
Lawson Loudon Marble McLuckie Murphy  
Myers Ostmann Pouche Reid Sallee  
Shields Townley Troupe Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 009

Clayton Crump Days Hoppe Lakin  
Lograsso Pryor Ridgeway Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Williams (121) moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**SB 189**, relating to child training centers, was taken up by Representative Smith.

On motion of Representative Smith, **SB 189** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Crawford Crump Daniel Davis 122 Davis 63

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000



ABSENT WITH LEAVE: 006

Akin Blunt Clayton Days Hoppe

Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**SB 213**, relating to sheriffs' retirement system, was taken up by Representative Crump.

On motion of Representative Crump, **SB 213** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Crawford

Daniel Davis 122 Davis 63 Dolan Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnett Bennett Blunt Clayton Crump  
Days Dougherty Froelker Hoppe Secrest  
Stokan

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

**SB 112**, relating to partition actions, was taken up by Representative Smith.

On motion of Representative Smith, **SB 112** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Crawford Crump Daniel  
Davis 122 Davis 63 Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Clayton Days Froelker Hoppe Secrest  
Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Ladd Stokan moved that the vote by which the bill passed be reconsidered.

Representative Ward moved that motion lay on the table.

The latter motion prevailed.

**SB 17, with House Committee Amendment No. 1**, relating to motor vehicles, was taken up by Representative Koller.

On motion of Representative Koller, **House Committee Amendment No. 1** was adopted.

On motion of Representative Koller, **SB 17, as amended**, was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Crawford Crump Daniel Davis 122

Davis 63 Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Gambaro Gaskill

George Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hickey

Hilgemann Hohulin Holand Hollingsworth Hosmer

Howerton Kasten Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 159

Wilson Wright Mr. Speaker

NOES: 002

Gibbons Hendrickson

PRESENT: 000



ABSENT WITH LEAVE: 011

Burton Clayton Days Froelker Harlan  
Hoppe Kelley 47 Legan Scott Secrest  
Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Williams (159) moved that motion lay on the table.

The latter motion prevailed.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HCS HB 826, with HS, as amended, pending**, relating to long-term care facilities, was taken up and placed back on the Informal Calendar.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 33** - Correctional and State Institutions

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 120** - Fiscal Review (Fiscal Note)

**HB 1053** - Local Government and Related Matters

**HB 1055** - Ways and Means

**HB 1056** - Motor Vehicle and Traffic Regulations

**HB 1058** - Education - Higher

**HB 1059** - Local Government and Related Matters

**HB 1060** - Environment and Energy

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 71** - Local Government and Related Matters

**SB 89** - Judiciary

**SB 215** - Critical Issues

**SCS SB 233** - Education - Elementary and Secondary

**SS SB 373** - Miscellaneous Bills and Resolutions

**SCS SB 441** - Judiciary

#### **INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and copies ordered printed:

**HB 19**, introduced by Representative Franklin, to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

#### **INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and copies ordered printed:

**HB 1061**, introduced by Representative Ladd Stokan, relating to assistive technology.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 103**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 165**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 242**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 275**, entitled:

An act to repeal section 473.737, RSMo 1994, relating to public administrators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 661**.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, April 20, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-third Day, Thursday, April 15, 1999, Pages 1269 and 1270, roll call, by showing Representative Scott voting "aye" rather than "absent with leave".

Pages 1270 and 1271, roll call, by showing Representatives Lakin and Robirds voting "aye" rather than "absent with leave".

Page 1278, roll call, by showing Representative Crawford voting "aye" rather than "absent with leave".

Pages 1279 and 1280, roll call, by showing Representatives Crawford, Kelly (27), Kissell and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1279 and 1280, roll call, by showing Representatives Bennett and Loudon voting "no" rather than "absent with leave".

Pages 1285 and 1286, roll call, by showing Representative Hartzler (124) voting "aye" rather than "absent with leave".

Pages 1285 and 1286, roll call, by showing Representatives Long, Parker, Selby and Surface voting "no" rather than "absent with leave".

Pages 1291 and 1292, roll call, by showing Representatives Klindt, Long, Luetkenhaus, Parker, Scott and Surface voting "aye" rather than "absent with leave".

Page 1294, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Page 1294, roll call, by showing Representative Parker voting "no" rather than "absent with leave".

Pages 1295 and 1296, roll call, by showing Representatives Champion, Hosmer, Kelley (47), Merideth and Surface voting "aye" rather than "absent with leave".

Pages 1295 and 1296, roll call, by showing Representative Parker voting "no" rather than "absent with leave".

Pages 1300 and 1301, roll call, by showing Representatives Champion, Hartzler (124), Howerton, Kelley (47), Luetkemeyer and Surface voting "aye" rather than "absent with leave".

Pages 1300 and 1301, roll call, by showing Representative Parker voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, April 21, 1999. Side gallery upon morning adjournment.

To be considered - SB 456

### **BUDGET**

Tuesday, April 20, 1999. Hearing Room 6 upon morning adjournment. FY 2000 re-appropriations.

To be considered - HB 15, HB 16

### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, April 20, 1999, 8:30 am. Hearing Room 9.

To be considered - HB 940

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, April 21, 1999. Side gallery upon adjournment.

**CORRECTED NOTICE.**

To be considered - Executive Session - SB 33

**CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 20, 1999, 8:00 am. Senate Committee Rooms 2 and 3. Bills in conference. SCS HCS HBs 2 through 9. Hearing to resume at 8:00p.m.

**EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, April 20, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 480, HB 501, HB 696, SB 187

**EDUCATION - ELEMENTARY AND SECONDARY**

Wednesday, April 21, 1999, 9:30 am. Side gallery. Executive session.

To be considered - SB 163

**FISCAL REVIEW**

Tuesday, April 20, 1999, 8:30 am. Hearing Room 7. Executive session.

To be considered - HB 180, HB 283

**JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING**

Monday, April 26, 1999, 12:00 pm. Hearing Room 8. Public testimony will be heard. Joe Driskill will present plans for enterprise zones.

**JOINT COMMITTEE ON JOB TRAINING**

Wednesday, April 21, 1999, 9:00 am. Hearing Room 7.

**LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, April 20, 1999. Hearing Rooms 1 and 2 upon morning adjournment. Executive session.

**PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, April 20, 1999, 9:00 am. Hearing Room 5. Possible executive session may follow.

To be considered - SB 451

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Wednesday, April 21, 1999. Hearing Room 7 upon morning adjournment. Executive session.

To be considered - SB 152, SB 479

**HOUSE CALENDAR**

FIFTY-FIFTH DAY, TUESDAY, APRIL 20, 1999



## **HOUSE BILL FOR SECOND READING**

HB 1061

## **HOUSE BILL FOR SECOND READING - APPROPRIATIONS**

HB 19 -

## **HOUSE JOINT RESOLUTION FOR PERFECTION**

HJR 20, as amended - Gratz

## **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 18 - Franklin

## **HOUSE BILLS FOR PERFECTION**

1 HCS HB 599 - Gunn

2 HCS HB 769 - Bray

3 HCS HB 934 - Treadway

4 HCS HB 456 - Fitzwater

5 HB 856 - Ford

6 HCS HB 640 - Campbell

7 HCS HB 354 - Barry

8 HCS HB 709 - Leake

9 HB 844 - Gratz

10 HB 519 - Relford

11 HCS HB 535 - May (108)

12 HB 406 - Mays (50)

13 HB 146, HCA 1 - Wiggins

14 HB 787 - Wiggins

15 HB 59, HCA 1 - Boucher

16 HB 699, HCA 1 - Kreider

17 HCS HB 142 - Campbell

18 HCS HB 488, 206 & 357 - May (108)

19 HB 85 - Troupe

20 HCS HB 200 - Troupe

21 HCS HB 89 - Troupe

22 HB 717 - Harlan

23 HCS HB 160 - O'Toole

24 HCS HB 730 - Leake

## **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

3 HCS HB 643, 710 & 711 - Bray

4 HB 952 - Koller

#### **HOUSE BILL FOR PERFECTION - CONSENT**

(April 13, 1999)

HB 691 - Miller

#### **HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

2 HCR 16, (3-11-99, pg. 787) - Leake

3 HCS HCR 29, (4-18-99, pgs. 1121 & 1122) - Kreider

4 HCS HCR 24 & 15, (4-14-99, pgs. 1258 & 1259) - Boykins

5 HCR 30, (4-14-99, pg. 1257) - Clayton

#### **HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341,  
619, 62 & 579, E.C. (Fiscal Review 4-15-99) - Hosmer

3 HS HCS HB 180, (Fiscal Review 4-14-99) - Hoppe

4 HCS HB 430 & 648 - McLuckie

5 HS HCS HB 723 - Koller

6 HCS HB 780 - Van Zandt

7 HCS HB 673 - Kissell

8 HB 133 - Crump

9 HB 120, (Fiscal Review 4-19-99) - Kreider

#### **SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

SCR 16, (3-22-99, pg. 821) - Wiggins

#### **SENATE BILLS FOR THIRD READING - CONSENT**

(April 13, 1999)

1 SB 216 - Clayton

2 SB 353 - Ransdall

3 SCS SB 261 - Barry

4 SB 15 - Murray

5 SB 177 - May (108)

6 SB 321 - Smith

7 SB 329 - Smith

8 SB 271 - Smith

9 SB 414, HCA 1 - Leake

10 HCS SCS SB 334 - Wiggins

11 SB 28, HCA 1 - Auer

12 HCS SB 410 - Richardson

13 HCS SB 278 - May (108)

(April 14, 1999)

14 SB 443, E.C. - Farnen

15 SB 424 - Hampton

16 SB 83 - Gunn

17 SB 460 - Harlan

18 HCS SCS SB 218, E.C. - Farnen

19 HCS SCS SB 234, E.C. - Kennedy

20 HCS SB 426 - Wiggins

21 SB 362 - Barry

22 SB 197 - Rizzo

23 SCS SB 412 - Days

24 HCS#2 SB 25 - Carter

25 SB 435 - Crump

26 SB 401 - McBride

27 SB 357, HCA 1 - Linton

28 SCS SB 244 - Treadway

29 SB 207 - Hosmer

30 SB 352 - Koller

31 SB 277 - Wagner

32 SB 434 - Linton

33 SB 81 - Hoppe

34 SCS SB 90 - Hoppe

35 SB 139 - Hoppe

36 SB 12 - Hoppe

37 SB 220 - Hoppe

38 SB 153 - Hoppe

39 SCS SB 391 - Williams (159)

40 SCS SB 423 - Legan

41 SB 115, HCA 1 - Ransdall

42 SCS SB 159, HCA1 - Barry

43 HCS SB 214 - Hoppe

44 HCS SCS SB 170 - Pryor

45 HCS SB 34 - Lawson

46 HCS SB 270 - Kissell

47 SCS SB 176 - Ridgeway

#### **SENATE BILL FOR THIRD READING**

HCS SB 291, E.C. - Dougherty

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HCR 4, SA 1 - Seigfreid

2 SCS HB 248 - Kissell

3 SCS HCS HB 348 - Smith

#### **BILLS IN CONFERENCE**

1 SCS HCS HB 2 - Lakin

2 SCS HCS HB 3 - Lakin

3 SCS HCS HB 4, as amended, - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Franklin

6 SCS HCS HB 7 - Franklin

7 SCS HCS HB 8 - Lakin

8 SCS HCS HB 9 - Franklin

#### **HOUSE RESOLUTIONS**

1 HR 62, (4-14-99, pg. 1256) - Gratz

2 HR 118, (4-14-99, pgs. 1256 & 1257) - Davis (122)

3 HR 276, (4-14-99, pg. 1257) - Gratz

4 HR 496, (3-24-99, pg. 866) - May (108)

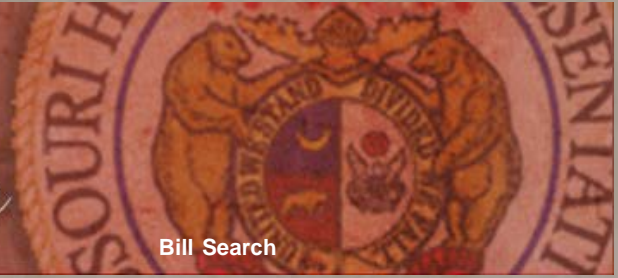


Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

FIFTY-FIFTH DAY, Tuesday, April 20, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Our Gracious God, we pray for Your help. We know that prayer is not a substitute for work. And we are expected to do our part. And so we ask You to help us think clearly and to plan carefully.

As we work, give us a measure of patience fitting our need. As we play, give us a measure of humility fitting humanity.

And in all we do, keep us listening to Your voice within our own hearts. Bless this House, and to You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tiffany Harold, Steve McQuinn, Katie Robertson, Matt Arnold, Austin Stephen, Catherine Gabel, Sonja Jones, Lisa Alam-Shoushtari, David Sauer, Kenneth Sussman, Bob Kueny, Jordan Witt, Katie Booth, Elise Craig, Sara Gwin, Stephanie Henderson, Stephanie Hull, Courtney Nave, K. J. Nuzum, Amanda Painter, Mallory Stillwell, Marcie White, Jack Phillips, Tonya Combs, Andrea Lee, Sarah Yates, Kristen Hall, Shelby Hall, Brittany Hall, Samantha Sweeney, Amy Cole, Gage Jarrett, Wesley Witt, Adam Jackson, Savannah Jackson, Katie Bommel and Kamisha Carter.

The Journal of the fifty-fourth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 948 - Representative Bartelsmeyer

House Resolution No. 949 - Representative Kreider

### SECOND READING OF HOUSE BILL

**HB 1061** was read the second time.

### SECOND READING OF HOUSE BILL - APPROPRIATIONS

**HB 19** was read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Vice-Chairman Foley reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 723**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Representative Luetkenhaus assumed the Chair.

Representative Kreider resumed the Chair.

Representative Smith assumed the Chair.

### THIRD READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 16**, relating to risk management, was taken up by Representative Leake.

On motion of Representative Leake, **HCR 16** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Crump Mays 50 Murphy Reynolds Thompson 37  
Williams 121

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Berkowitz, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HCS HCR 29**, relating to livestock and grain processing industry, was taken up by Representative Kreider.

On motion of Representative Kreider, **HCS HCR 29** was adopted and read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Ransdall  
Reid Reinhart Relford Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Hohulin Howerton Mays 50 Murphy Purgason  
Reynolds Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.



**HCS HCRs 24 & 15**, relating to tobacco settlement funds, was taken up by Representative Boykins.

On motion of Representative Boykins, **HCS HCRs 24 & 15** was adopted and read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pryor Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 002

Hohulin Pouche

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Linton Murphy Purgason Robirds  
Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

**HCR 30**, relating to printing of acts and resolutions, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCR 30** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Foster Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Murphy

Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 72 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Backer Burton Ford Franklin Marble  
Monaco Purgason Summers Thompson 37 Troupe  
Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**HCR 4, with Senate Amendment No. 1**, relating to state employees compensation, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 153

Abel Akin Alter Auer Ballard  
Barnett Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Surface Thompson 37 Thompson 72  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Barry 100 Franklin Lograsso Marble

McLuckie Summers Troupe

VACANCIES: 002

On motion of Representative Seigfreid, **HCR 4, as amended**, was read the third time and finally passed by the following vote:

AYES: 148

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett



Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Kasten Kelley 47 Kelly 27 King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Linton Long Loudon  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Backer Crump Harlan Howerton Kennedy  
Levin Liese Lograsso Luetkemeyer Marble  
McLuckie Scott Summers

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Luetkenhaus, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 248**, relating to offenses against police animals, was taken up by Representative Kissell.

Representative Kissell moved that the House refuse to adopt **SCS HB 248** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 348**, relating to juvenile sex offender registration, was taken up by Representative Smith.

Representative Smith moved that the House refuse to adopt **SCS HCS HB 348** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### HOUSE RESOLUTIONS

**HR 62**, relating to use of House chamber, was taken up by Representative Gratz.

On motion of Representative Gratz, **HR 62** was adopted.

**HR 118**, relating to use of House chamber, was taken up by Representative Davis (122).

On motion of Representative Davis (122), **HR 118** was adopted.

**HR 276**, relating to use of House chamber, was taken up by Representative Gratz.

On motion of Representative Gratz, **HR 276** was adopted.

#### PERFECTION OF HOUSE BILL

**HCS HB 599**, relating to insurance receivership, was taken up by Representative Gunn.

Representative Gunn offered **House Amendment No. 1**.

##### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 599, Page 1, In the Title, Line 2, by deleting the following: "375.1205 and 375.1220, RSMo 1994," and inserting in lieu thereof the following: "375.1205, 375.1220, 379.316, 379.321 and 379.425, RSMo 1994, and section 379.888, RSMo Supp. 1998,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "three" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "375.1205 and 375.1220, RSMo 1994," and inserting in lieu thereof the following: "375.1205, 375.1220, 379.316, 379.321 and 379.425, RSMo 1994, and section 379.888, RSMo Supp. 1998,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "three" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "and" and inserting in lieu thereof the following: ";"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the following: "375.1220," the following: "379.316, 379.321, 379.362, 379.425 and 379.888,"; and

Further amend said bill, Page 4, Section 375.1220, Line 30, by inserting after all of said line the following:

"379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated [under] **pursuant to** sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated [under] **pursuant to** the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;

(2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured [under] **pursuant to** marine, as distinguished from inland marine, insurance policies;

(3) Insurance against loss or damage to aircraft;

(4) All forms of motor vehicle insurance; [and]

(5) All forms of life, accident and health, and workers' compensation insurance; **and**

**(6) Insurance of large commercial risks as defined in section 379.362.**

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

**3. Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of the department of insurance of the policy language, policy provisions or the format of such policies, or the regulation of the rates used to calculate the amount of premium charged.**

379.321. 1. Every insurer shall file with the director, except as to **commercial property or commercial casualty insurance as provided in subsection 6 of this section and as to** inland marine risks which by regulation or general custom of the business are not written according to manual rates or rating plans, every manual of classifications, rules, underwriting rules and rates, every rating plan and every modification of the foregoing which it uses and the policies and forms to which such rates are applied. Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the director to accept such filings on its behalf, provided that nothing contained in section 379.017 and sections 379.316 to 379.361 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the director to accept such filings on its behalf. Filing with the director by such insurer or licensed rating organization within ten days after such manuals, rating plans or modifications thereof or policies or forms are effective shall be sufficient compliance with this section.

2. Except as to **commercial property or commercial casualty insurance as provided in subsection 6 of this section and as to** contracts or policies for inland marine risks as to which filings are not required, no insurer shall make or issue a policy or contract except [in accordance with] **pursuant to** filings which are in effect for that insurer or [in accordance with the provisions of] **pursuant to** section 379.017 and sections 379.316 to 379.361. Any rates, rating plans, rules, classifications or systems, in effect on August 13, 1972, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

3. Upon the written application of the insured, stating his **or her** reasons therefor, filed with the insurer, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

4. Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the director to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

(1) That any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the director and to the rating organization and may then make its own independent filings for any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; **and**

(2) That any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the director:



(a) Requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty days after receipt of such request, either:

- a. To make such filing as a rating organization filing[, or];
- b. To make such filing on an agency basis solely on behalf of the requesting member[.]; or
- c. To decline the request of such member; and

(b) Excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

5. Any change in a filing made [under the provisions of] **pursuant to** this section during the first six months of the date [said] **such** filing becomes effective shall be approved or disapproved by the director within ten days following [his] **the director's** receipt of notice of such proposed change.

**6. Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362, and the rates associated with such policies, shall be filed with the director of the department of insurance for informational purposes only. Such policies and rates shall be filed with the director within thirty days after such policies or rates are used by the insurer, but such policies and rates need not be reviewed or approved by the department of insurance as a condition of their use.**

**379.362. 1. Commercial property insurance and commercial casualty insurance policies shall be exempt from those provisions of sections 379.017, 379.316 to 379.361, 379.420 to 379.510 and 379.888 which concern regulation by the department of policy language, policy provisions or the format of such policies, or the rating of individual policies, for any policy for which the policyholder certifies in writing, on a certification form approved by the department, that the policyholder understands that the policy's language or the policy's rating are unregulated by the department and that the requirements of either subdivision (1) or subdivision (2) below are met:**

**(1) The policyholder has utilized the services of the independent insurance adviser. For purposes of this section, the term "independent insurance adviser" means a person who is qualified through education, training or experience to assess the purchaser's insurance needs and analyze the policy with or on behalf of the policyholder. Such an insurance adviser may be an employee of the policyholder or a person retained by the purchaser, provided that the independent insurance adviser shall not also be an employee of the insurer. Such an independent insurance adviser shall only be compensated for services related to the insurance transaction in question by the policyholder; or**

**(2) The policyholder's commercial operations meet any two of the following criteria:**

- (a) One hundred or more employees;**
- (b) A net worth of over twenty-five million dollars;**
- (c) Net revenues or sales of over fifty million dollars;**
- (d) Paid aggregate annual insurance premiums of over fifty thousand dollars, excluding workers' compensation and employer's liability insurance;**
- (e) Is a not for profit or public entity with an annual budget or assets of at least twenty-five million dollars; or**
- (f) Is a municipality with a population of over fifty thousand inhabitants.**

**2. An insurer writing a commercial property or commercial casualty insurance policy pursuant to subsection 1 of this section shall retain a copy of the policyholder's written certification as part of the insurer's policy records of the transaction.**

**3. Nothing contained in subsection 1 of this section shall be construed as exempting commercial property or commercial casualty policies which meet the requirements of subsection 1 of this section from any regulatory authority of the director of the department of insurance other than that authority related to the oversight of the policy language, policy provisions or the format of policies, or of the rates used to calculate the amount of premium charged. In particular, nothing contained in subsection 1 of this section shall limit the director's authority over excessive, inadequate or unfairly discriminatory rates.**

**4. The director may, by rule, require insurers providing coverage pursuant to subsection 1 of this section to retain information in such insurer's files identifying the policies providing such coverage, and to report to the department aggregate data regarding the types of such coverage written and the amounts charged for such coverage.**

**5. Notwithstanding the provisions of section 384.017, RSMo, commercial property or commercial casualty insurance meeting the requirements of subsection 1 of this section may be procured through a surplus lines licensee from an eligible surplus lines insurer even though the same type of coverage or quality of service is obtainable in the market from admitted insurers.**

**379.425. 1. Sections 379.420 to 379.510 apply to casualty insurance, including fidelity, surety and guaranty bonds, and to all forms of motor vehicle insurance, on risks or operations in this state, except**

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.460 and subsection 2 of section 379.430;**
- (2) Insurance against workers' compensation liability;**



(3) Accident and health insurance;

(4) Insurance against loss of or damage to aircraft, or against liability, other than employers' liability, arising out of the ownership, maintenance or use of aircraft.

**2. Commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of insurance of the policy language, policy provisions or the format of such policies, or regulation of the rates used to calculate the amount of premium charged.**

379.888. 1. As used in sections 379.888 to 379.893, the following terms mean:

(1) "'A' rated risk" [means], any insurance coverage for which rates are individually determined based upon judgment because neither a rate service organization nor the insurer has yet established a manual rate based upon experience, except that if a rate service organization or the insurer acquires sufficient experience to establish, or if the insurer itself has, a manual rate for such coverage, then such coverage shall no longer be considered an "A" rated risk for each insurer;

(2) "Base rate" [means], the rate designed to reflect the average aggregate experience of a particular market, prior to adjustment for individual risk characteristics resulting from application of any rating plan;

(3) "Classification" [means], a grouping of insurance risks according to a classification system used by an insurer;

(4) "Classification system" [means], a schedule of classifications and a rule or set of rules used by an insurer for determining the classification applicable to an insured;

(5) "Commercial casualty insurance" [means], casualty insurance for business or nonprofit interests which is not for personal, family, or household purposes;

(6) "Director" [means], the director of the department of insurance;

(7) "Rate" [means], a monetary amount applied to the units of exposure basis assigned to a classification and used by an insurer to determine the premium for an insured;

(8) "Rating plan" [means], a rule or set of rules used by an insurer to calculate premium for an insured, and the parameter values used in such calculation, after application of classification premium rates to units of exposure; **and**

(9) "Rating system" [means], a collection of rating plans to be used by an insurer, rules for determining which rating plans are applicable to an insured, a classification system, and other rules used by an insurer for determining contractual consideration for insured.

2. Every filing of commercial casualty insurance premium rates, rating plans or rating systems by an insurer or rating organization [must] **shall** be submitted to the director for review prior to becoming effective if it produces an increase or decrease exceeding twenty-five percent annually from changes in any:

(1) Base rates;

(2) Rating basis;

(3) Rating plans;

(4) Manual rules;

(5) Territorial definitions; or

(6) Combination of such rating system components of subdivisions (1) to (5) of this subsection.

3. Nothing in this section applies to premium increases or decreases from:

(1) Change in hazard of the insured's operation;

(2) Change in magnitude of the exposure basis for the insured, including, without limitation, changes in payroll or sales; [or]

(3) "A" rated risks; **or**

**(4) Commercial casualty insurance that is exempt pursuant to section 379.362.**

4. Any renewal notice of a commercial casualty insurance policy as defined in section 379.882 for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any scheduled rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured informing the insured that any inquiry by the insured concerning the change may be directed to the agent of record or directly to the insurer. When any insured makes a request for information pursuant to this subsection, the insurer, directly or through the insurer's agent, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a scheduled rating credit or increase in a scheduled rating debit which is applied to the policy. Evidence supporting the basis for any scheduled rating credit or debit shall be retained by the insurer for the policy term plus two calendar years[, in accordance with] **pursuant to** section 374.205, RSMo. The [Missouri] department of insurance shall notify commercial casualty insurers of the requirements of this section by bulletin. [The provisions of this subsection shall become effective on January 1, 1999.]".

On motion of Representative Gunn, **House Amendment No. 1** was adopted.

On motion of Representative Gunn, **HCS HB 599, as amended**, was adopted.

On motion of Representative Gunn, **HCS HB 599, as amended**, was ordered perfected and printed.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HB 952**, relating to sales tax exemption, was taken up by Representative Koller.

Representative Koller offered **HS HB 952**.

Representative Leake offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 952, Page 1, In the Title, Line 9, by inserting after the word "doves" the following: ", pigeons"; and

Further amend said bill, Page 16, Section 144.030, line 19 of said page, by inserting after the word "doves" the following: ", pigeons".

Representative Seigfreid offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 952, Page 1, In the Title, Line 9, by deleting the phrase "and ungulates" and inserting in lieu thereof the following: ", pigeons and ungulates and removing the sales tax exemption on nonprescription drugs"; and

Further amend said bill, Page 8, Section 144.030, Line 14 of said page, by inserting an opening bracket "[" immediately before the word "or"; and

Further amend said bill, Page 8, Section 144.030, Line 16 of said page, by inserting a closing bracket "]" immediately after the word "disabilities"; and

Further amend said bill, Page 16, Section 144.030, Line 19 of said page, by inserting after the word "doves" the following: ", pigeons".

Representative Patek raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Speaker Gaw assumed the Chair.

Representative Seigfreid moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 011

Carter Fitzwater Fraser Gambaro Koller  
Leake McBride O'Connor Rizzo Seigfreid  
Shelton

NOES: 131

Abel Akin Alter Auer Backer  
Ballard Barnett Bartelsmeyer Bartle Berkowitz  
Black Blunt Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Champion Chrismer Cierpiot Clayton Crump  
Davis 122 Davis 63 Dolan Dougherty Elliott  
Enz Evans Farnen Foley Foster  
Franklin Froelker Gaskill George Gibbons  
Graham 106 Graham 24 Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Lakin  
Lawson Legan Levin Liese Linton  
Lograsso Loudon Luetkemeyer Marble May 108  
Mays 50 McClelland McKenna Merideth Miller  
Monaco Murphy Myers Naeger Nordwald  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Ridgeway Riley  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Selby Shields  
Skaggs Smith Stokan Summers Thompson 72  
Townley Tudor Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 019

Barry 100 Bennett Berkstresser Crawford Daniel  
Days Ford Gratz Kreider Long  
Luetkenhaus McLuckie Murray Richardson Surface

Thompson 37 Treadway Troupe Vogel

VACANCIES: 002

**HB 952, with House Amendment No. 1 and HS, pending**, was laid over.

On motion of Representative Crump, the House recessed until 2:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 950 - Representative Crawford

House Resolution No. 951 and House Resolution No. 952 - Representative Ross

House Resolution No. 953 - Representative Kelley (47)

House Resolution No. 954 - Representative Levin

House Resolution No. 955 - Representative Marble

House Resolution No. 956 - Representative Gaw

House Resolution No. 957 - Representative Barnett

House Resolution No. 958 and House Resolution No. 959 - Representative Hartzler (124)

House Resolution No. 960 - Representative Robirds

House Resolution No. 961 - Representative Williams (121)

House Resolution No. 962 - Representative Davis (122)

House Resolution No. 963 and House Resolution No. 964 - Representative Reinhart

House Resolution No. 965 - Representative Patek

House Resolution No. 966 through House Resolution No. 968 - Representative Richardson

House Resolution No. 969 - Representative Pryor

#### **THIRD READING OF SENATE BILL**

**HCS SB 291**, relating to child support enforcement, was taken up by Representative Dougherty.

Representative Dougherty offered **HS HCS SB 291**.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 291, Page 12, Section 452.345, Lines 1 and 2 of said page, by deleting the phrase ", **for a case that is not a IV-D case**,".

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Hollingsworth offered **House Amendment No. 2**.

*House Amendment No. 2*



AMEND House Substitute for House Committee Substitute for Senate Bill No. 291, Page 65, Section 516.350, Line 15, by inserting after all of said line the following:

"556.036. 1. A prosecution for murder or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months.

3. If the period prescribed in subsection 2 has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself **or herself** not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction [under] **pursuant to** section 407.553, RSMo, for purposes of offenses committed [under] **pursuant to** sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years[.];**and**

**(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.**

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced either when an indictment is found or an information filed.

6. The period of limitation does not run:

- (1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or
- (2) During any time when the accused is concealing himself from justice either within or without this state; or
- (3) During any time when a prosecution against the accused for the offense is pending in this state; or
- (4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hollingsworth, **House Amendment No. 2** was adopted.

On motion of Representative Dougherty, **HS HCS SB 291, as amended**, was adopted.

On motion of Representative Dougherty, **HS HCS SB 291, as amended**, was read the third time and passed by the following vote:

AYES: 130

Abel Akin Alter Backer Barnett

Barry 100 Berkowitz Black Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Champion Cierpiot Clayton Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Graham 106 Graham 24  
Gratz Green Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kasten Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Long Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Summers Thompson 37 Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 028

Ballard Bartelsmeyer Bartle Bennett Blunt  
Boatright Carter Chrismer Crawford Elliott  
Gibbons Griesheimer Gross Hohulin Howerton  
Linton Lograsso Loudon Patek Pryor  
Purgason Ridgeway Scott Secrest Smith  
Surface Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Auer Berkstresser Kelley 47

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 120

Abel Backer Barnett Barry 100 Berkowitz

Black Bonner Boucher Boykins Bray 84

Britt Burton Campbell Champion Clayton

Crump Davis 122 Davis 63 Days Dolan

Dougherty Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

George Gibbons Graham 106 Graham 24 Gratz

Green Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Kasten Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Liese Long Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Ransdall Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Thompson 37 Thompson 72 Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 038

Akin Alter Ballard Bartelsmeyer Bartle

Bennett Blunt Boatright Carter Chrismer

Cierpiot Crawford Daniel Elliott Enz

Evans Gaskill Griesheimer Gross Hendrickson

Hohulin Howerton Levin Linton Lograsso

Loudon Marble Myers Naeger Patek

Pouche Pryor Purgason Reid Ridgeway

Surface Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Auer Berkstresser Kelley 47

VACANCIES: 002

On motion of Representative George, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF HOUSE BILLS

**HCS HBs 430 & 648**, relating to Missouri Tobacco Settlement Trust Fund, was taken up by Representative McLuckie.

On motion of Representative McLuckie, **HCS HBs 430 & 648** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo



Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 004

Evans Hohulin Lawson Murphy

PRESENT: 000

ABSENT WITH LEAVE: 005

Auer Berkstresser Dougherty McBride Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ladd Stokan, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 780**, relating to initiative petitions, was taken up by Representative Van Zandt.

On motion of Representative Van Zandt, **HCS HB 780** was read the third time and passed by the following vote:

AYES: 139

Alter Backer Ballard Barnett Barry 100  
Bartelsmeyer Bartle Bennett Berkowitz Berkstresser  
Black Blunt Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Farnen  
Fitzwater Foley Ford Foster Franklin  
Gambaro Gaskill George Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Long Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 018

Abel Akin Champion Evans Froelker  
Gibbons Hegeman Hendrickson Hohulin Kelly 27  
Linton Loudon Marble Murphy Purgason  
Reinhart Sallee Summers

PRESENT: 000

ABSENT WITH LEAVE: 004

Auer Fraser Lograsso Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 673**, relating to discipline of law enforcement officers, was taken up by Representative Kissell.

On motion of Representative Kissell, **HCS HB 673** was read the third time and passed by the following vote:

AYES: 101

Abel Alter Backer Barnett Barry 100  
Bennett Berkowitz Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Chrismer Cierpiot Clayton Crump  
Daniel Davis 122 Davis 63 Dolan Dougherty  
Farnen Foley Ford Franklin Fraser  
Froelker Gambaro George Graham 24 Gratz  
Green Gross Hagan-Harrell Hampton Harlan  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Kissell Kreider  
Lakin Lawson Leake Levin Liese  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murphy Murray  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Ransdall Reid Reinhart Relford  
Reynolds Riley Rizzo Ross Scheve  
Schilling Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Wagner Ward Williams 121 Wilson Wright  
Mr. Speaker

NOES: 057

Akin Ballard Bartelsmeyer Bartle Berkstresser  
Boatright Burton Champion Crawford Days  
Elliott Enz Evans Fitzwater Foster  
Gaskill Gibbons Graham 106 Griesheimer Gunn  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hohulin Howerton Kasten Kelley 47 King  
Klindt Koller Legan Linton Lograsso  
Long Luetkemeyer Marble McClelland Miller  
Myers Nordwald Patek Pouche Pryor  
Purgason Richardson Ridgeway Robirds Sallee  
Schwab Scott Summers Surface Vogel  
Wiggins Williams 159

PRESENT: 001

Loudon

ABSENT WITH LEAVE: 002

Auer Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

Representative Smith resumed the Chair.

**HB 133**, relating to federal land acquisition, was taken up by Representative Crump.

On motion of Representative Crump, **HB 133** was read the third time and passed by the following vote:

AYES: 121

Abel Akin Alter Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Britt Burton Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Dolan Elliott Enz

Evans Foley Ford Foster Franklin

Froelker Gaskill George Gibbons Graham 106

Gratz Griesheimer Gross Hagan-Harrell Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hickey

Hohulin Holand Hoppe Hosmer Howerton

Kasten Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Legan Levin Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

McKenna Merideth Miller Murphy Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Richardson

Ridgeway Rizzo Robirds Ross Sallee



Scheve Schwab Selby Shelton Shields  
Skaggs Smith Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Vogel Wagner Ward Wiggins Williams 159  
Wright

NOES: 034

Backer Boucher Boykins Bray 84 Campbell  
Days Dougherty Farnen Fitzwater Fraser  
Gambaro Graham 24 Green Gunn Harlan  
Hendrickson Hilgemann Hollingsworth Kelly 27 Liese  
Mays 50 McBride McClelland Monaco Murray  
Reynolds Riley Schilling Seigfreid Stokan  
Van Zandt Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Auer Leake McLuckie Parker Scott  
Secrest

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

### **THIRD READING OF SENATE CONCURRENT RESOLUTION**

**SCR 16**, relating to pesticide safety standards, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **SCR 16** was read the third time and finally passed by the following vote:

AYES: 148

Abel Akin Alter Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Chrismer Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Patek Pouche Pryor  
Purgason Reid Reinhart Relford Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Backer Champion Fraser Green  
McBride McLuckie Parker Ransdall Reynolds  
Scott Secrest Smith

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL

**HCS HB 769**, relating to Missouri Equal Pay Act, was taken up by Representative Bray.

Representative Bray offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 769, Page 3, Section 4, Line 1, by deleting all of said line after the numeral "**4.**"; and

Further amend said section, lines 2 to 8, by deleting all of said lines; and

Further amend said section, line 9, by deleting the numeral "**2.**"; and

Further amend said section, line 10, by deleting all of said line after the word "**employees**"; and inserting a period "." in lieu thereof; and

Further amend said section, lines 11 to 13, by deleting all of said lines; and

Further amend said section, line 14, by deleting the numeral "**3.**"; and

Further amend said section, line 15, by deleting "**subsection 2 of**".

Representative Seigfreid offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 769, Page 3, Section 4, Lines 1 to 16, by deleting all of said section; and

Further amend said bill, Page 4, Section 5, Line 18, by deleting the word "**Any**"; and

Further amend said bill, Page 4, Section 5, Line 19, by deleting all of said line.

Representative Bray raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not a true substitute amendment.

Representative Bray raised an additional point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not properly drafted.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order not well taken.

Speaker Gaw resumed the Chair.

Representative Bray requested a division of the question.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

PART I

AMEND House Committee Substitute for House Bill No. 769, Page 3, Section 4, Lines 1 to 16, by deleting all of said section.

On motion of Representative Seigfreid, **Part I of House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

PART II

AMEND House Committee Substitute for House Bill No. 769, Page 4, Section 5, Line 18, by deleting the word "**Any**"; and

Further amend said bill, Page 4, Section 5, Line 19, by deleting all of said line.

Representative Seigfreid moved that **Part II of House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Black Blunt Boatright

Burton Champion Chrismer Cierpiot Crawford

Dolan Elliott Enz Evans Foster

Gaskill Gibbons Graham 106 Griesheimer Gross

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kelley 47

King Klindt Legan Levin Linton

Long Loudon Luetkemeyer Marble McBride



McClelland Merideth Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reinhart Relford Richardson  
Robirds Sallee Schwab Scott Seigfreid  
Shields Summers Surface Townley Tudor  
Vogel Wright

NOES: 079

Abel Backer Barry 100 Berkowitz Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Hampton Harlan  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Leake Liese Lograsso  
Luetkenhaus May 108 Mays 50 McKenna McLuckie  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Reynolds Ridgeway Riley Rizzo  
Ross Scheve Schilling Selby Shelton  
Skaggs Smith Stokan Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 001

Reid

ABSENT WITH LEAVE: 009

Auer Berkstresser Daniel Froelker Gunn  
Hagan-Harrell Monaco Secrest Thompson 37

VACANCIES: 002

Representative Loudon offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 769, Page 3, Section 5, Line 6, by inserting a period after the word "practices" deleting the words ", and an"; and

Further amend said section by deleting all of line 7.

HCS HB 769, as amended, with House Amendment No. 2, pending, was laid over.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 10**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

With Senate Amendment No. 1, Senate Amendment No. 2 to Senate Substitute Amendment No. 2 for Senate Amendment No. 2, Senate Substitute Amendment No. 2 for Senate Amendment No. 2, as amended.

### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 5, Section 10.060, Lines 1-11, by deleting all of said lines and inserting in lieu thereof the following:

"There is transferred out of the State Treasury, chargeable to the General Revenue Reimbursements Fund, Forty Five Million, One Hundred Fifty Seven Thousand, Eight Hundred Forty One Dollars (\$45,157,841).".

### *Senate Amendment No. 2*

to

### *Senate Substitute Amendment No. 2*

for

### *Senate Amendment No. 2*

AMEND Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Line 8, Pages 1-4, by striking all language after the word "expenses" and substitute the following:

"Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility including adoption, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy, abortion services and childbirth care and may provide nondirective counseling in regard to such options. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

(a) The same or similar name;

(b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;

(c) Expenses;

(d) Employee wages or salaries;

(e) Equipment or supplies, including but not limited to computers, telephone systems, tele-communications equipment and office supplies; or

(f) Fundraising activities.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section. Nothing in this section requires an agency receiving Federal Title X funds to refrain from performing any service that must or shall be provided under Title X as defined in 1970 and regulations drafted in 1980.

2. If any provision of subsection 1 of this section is held invalid, that provision shall be severed from subsection 1 and the remainder of subsection 1 shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsections 3 through 5 shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services provided directly by the Department of Health or provided directly by government agencies of this state or any political subdivision of this state or directly by public health entities, through contractual agreement with the Department, provided that none of these funds may be expended for the purpose of performing, assisting, or encouraging abortion, and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include obstetric or prenatal care. None of these funds may be expended for directly referring for abortion; however, nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy, abortion services and childbirth care. For the purpose of this subsection, public health entities shall include community mental health centers organized pursuant to section 205.975 to 205.990, RSMo, and community action agencies organized pursuant to sections 660.370 to 660.374, RSMo.

4. If the entirety of subsection 1 of this section is held invalid and any provision of subsection 3 of this section are held invalid, then this appropriation shall be in accordance with subsection 5, otherwise subsection 5 shall have no effect.

5. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the Department of Health or provided directly by government agencies of this state or any political subdivision of this state through contractual agreement with the Department, provided that none of these funds appropriated herein shall be expended for the purposes of performing, assisting, or encouraging abortion, provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, and further provided that none of these funds may be expended for directly referring for abortion. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care."

*Senate Substitute Amendment No. 2*

for

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Lines 16-23 of said page, all of page 37 and lines 1-12 of page 38, by striking all of said lines and inserting in lieu thereof the following:

"1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Nondirective counseling relating to pregnancy may be provided. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute direct referral marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share the same name, or medical or non-medical facilities, including but not limited to treatment, consultation, examination, and waiting rooms, or any of the following without reimbursement for same:

(a) Expenses;



(b) Employee wages or salaries; or

(c) Equipment or supplies, including but not limited to computers, telephone systems, tele-communications equipment and office supplies.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect subsidy from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section. Nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section."

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 11**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

With Senate Amendment No. 1 and Senate Amendment No. 3.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 32, Section 11.445, Line 29, by deleting the number "151,075,000" and inserting in lieu thereof the number "152,509,423"; and

Further amend said section, line 30, by deleting the number "295,252,882" and inserting in lieu thereof the number "296,969,520"; and

Further amend said section, line 33, by deleting the number "659,506,670" and inserting in lieu thereof the number "662,657,731".

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 6, Section 11.050, Line 5, by deleting the number "9,871,188" and inserting in lieu thereof the number "11,037,105"; and

Further amend said section by deleting line 9; and

Further amend said bill, page 7, line 5, by deleting the number "795,127" and inserting in lieu thereof the number "806,242"; and

Further amend said section, line 6, by deleting the number "2,794,529" and inserting in lieu thereof the number "2,805,644"; and

Further amend said section by deleting lines 16-17; and

Further amend said bill, section 11.065, line 9, by deleting the number "551,644" and inserting in lieu thereof the number "2,043,372"; and

Further amend said section, line 10, by deleting the number "2,394,625" and inserting in lieu thereof the number "3,886,353"; and



Further amend said section, line 12, by deleting the number "4,047,570" and inserting in lieu thereof the number "2,555,842"; and

Further amend said section, line 14, by deleting the number "11,908,756" and inserting in lieu thereof the number "10,417,028".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 12**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HB 10, as amended**, relating to appropriations, was taken up by Representative Carter.

Representative Carter moved that the House refuse to adopt **SCS HCS HB 10, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 11, as amended**, relating to appropriations, was taken up by Representative Troupe.

Representative Troupe moved that the House refuse to adopt **SCS HCS HB 11, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 12**, relating to appropriations, was taken up by Representative Green.

Representative Green moved that the House refuse to adopt **SCS HCS HB 12** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### REFERRAL OF HOUSE BILL - APPROPRIATIONS

The following House Bill was referred to the Committee indicated:

**HB 19** - Budget

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HS HCS HB 723** - Fiscal Review (Fiscal Note)

## REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SS SCS SB 19** - Transportation **SCS SBs 387, 206 & 131** - Social Services, Medicaid and the Elderly

## COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred (By Consent) **HB 691**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 264**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Consumer Protection and Housing**, Chairman Schilling reporting:

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **HB 167**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Consumer Protection and Housing, to which was referred **HB 883**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Education - Higher**, Chairman Farnen reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SB 33**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SB 148**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 346**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SB 149**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Municipal Corporations**, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **SB 76**, begs leave to report it has examined

the same and recommends that it **Do Pass**.

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **SCS SBs 320 & 455**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SS SCS SB 467**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Urban Affairs**, Chairman Thompson reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 196**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 34**, introduced by Representative Gaskill, et al, relating to Missouri's support of House Joint Resolution No. 33 of the 106th Congress regarding protection of the American flag.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 29**, entitled:

An act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SB 70**, entitled:

An act to repeal sections 407.820, 407.822 and 407.825, RSMo Supp. 1998, relating to motor vehicle franchise practices, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 94**, entitled:

An act to repeal sections 149.011, 149.071 and 570.080, RSMo 1994, and section 570.030, RSMo Supp. 1998, relating to the felony limit for certain crimes, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 125**, entitled:

An act to repeal section 21.183, RSMo 1994, relating to the general assembly, and to enact in lieu thereof three new sections

relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 328, 87, 100 & 55**, entitled:

An act to repeal sections 565.024, 570.010, 570.130, 574.090 and 574.093, RSMo 1994, and section 252.043, RSMo Supp. 1998, relating to the criminal code, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 351**, entitled:

An act to repeal section 104.517, RSMo Supp. 1998, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with effective dates.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 359**, entitled:

An act to repeal sections 700.010, 700.015, 700.021, 700.025, 700.030, 700.035, 700.045, 700.050, 700.060, 700.090 and 700.100, RSMo 1994, and section 700.040, RSMo Supp. 1998, relating to manufactured housing, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 371**, entitled:

An act to repeal section 513.653, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 455**, entitled:

An act to repeal sections 116.060, 116.080, 116.090, 116.110, 116.120, 116.150 and 116.220, RSMo 1994, and sections 116.030, 116.040, 116.100, 116.130, 116.160, 116.170, 116.175, 116.180 and 116.190, RSMo Supp. 1998, and to enact in lieu thereof seventeen new sections relating to the procedures of ballot measures.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 495**, entitled:

An act to repeal section 660.122, RSMo Supp. 1998, relating to energy assistance programs, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.



## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 21, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-fourth Day, Monday, April 19, 1999, pages 1313 and 1314, roll call, by showing Representatives Hilgemann, Kennedy and Surface voting "aye" rather than "absent with leave".

Page 1314, roll call, by showing Representatives Kelly (27) and Patek voting "aye" rather than "absent with leave".

Pages 1317 and 1318, roll call, by showing Representatives Bennett, Boatright, Burton, Carter, Gunn, Hilgemann, Kissell, Luetkenhaus, Miller, O'Connor, Ross, Summers and Williams (159) voting "aye" rather than "absent with leave".

Pages 1320 and 1321, roll call, by showing Representatives Akin, Bartelsmeyer and Patek voting "aye" rather than "absent with leave".

Pages 1321 and 1322, roll call, by showing Representatives Champion, Davis (122) and Patek voting "aye" rather than "absent with leave".

Pages 1323 and 1324, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Pages 1324 and 1325, roll call, by showing Representatives Bennett, Crump, Days and Franklin voting "aye" rather than "absent with leave".

Pages 1325 and 1326, roll call, by showing Representatives Crump and Liese voting "aye" rather than "absent with leave".

Pages 1327 and 1328, roll call, by showing Representative Crump voting "aye" rather than "absent with leave".

Pages 1328 and 1329, roll call, by showing Representatives Crump, Days and Ridgeway voting "aye" rather than "absent with leave".

Pages 1329 and 1330, roll call, by showing Representatives Akin, Blunt and Days voting "aye" rather than "absent with leave".

Pages 1330 and 1331, roll call, by showing Representatives Barnett, Bennett, Crump, Days and Froelker voting "aye" rather than "absent with leave".

Pages 1331 and 1332, roll call, by showing Representatives Days and Froelker voting "aye" rather than "absent with leave".

Pages 1332 and 1333, roll call, by showing Representatives Burton, Days, Froelker, Kelley (47) and Scott voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BANKS AND FINANCIAL INSTITUTIONS**

Wednesday, April 21, 1999. Side gallery upon morning adjournment.

To be considered - SB 456

### **BUDGET**

Wednesday, April 21, 1999. Hearing Room 6 upon morning adjournment.

Possible executive session. FY 2000 reappropriations.

To be considered - HB 15, HB 16, HB 19

#### CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 21, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

AMENDED NOTICE. Executive session to follow.

To be considered - SB 506

#### CONFERENCE COMMITTEE - APPROPRIATIONS

Wednesday, April 21, 1999, 8:00 am. Senate Committee Rooms 2 and 3.

Appropriation Bills in Conference. Hearing to resume at 8:00 pm.

To be considered - HB 2, HB 3, HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 11, HB 12

#### CRIMINAL LAW

Thursday, April 22, 1999, 9:00 am. Hearing Room 5. Executive session.

To be considered - SB 335

#### EDUCATION - ELEMENTARY AND SECONDARY

Wednesday, April 21, 1999, 9:30 am. Side gallery. Executive session.

To be considered - SB 163

#### ENVIRONMENT AND ENERGY

Thursday, April 22, 1999, 9:00 am. Hearing Room 9. Executive session may follow.

To be considered - HB 1060

#### FISCAL REVIEW

Wednesday, April 21, 1999. Hearing Room 9 upon morning adjournment.

Executive session.

To be considered - HB 120, HB 180, HB 283

#### JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, April 26, 1999, 12:00 pm. Hearing Room 8. Public testimony will be heard.

Joe Driskill will present plans for enterprise zones.

#### JOINT COMMITTEE ON JOB TRAINING

Wednesday, April 21, 1999, 9:00 am. Hearing Room 7.

#### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, April 22, 1999, 9:00 am. Hearing Room 7. Contested fiscal notes.

To be considered - HB 184, HB 918, SB 373

#### RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Wednesday, April 21, 1999. Hearing Room 7 upon morning adjournment.

Executive session.

To be considered - SB 152, SB 479

#### UTILITIES REGULATION

Thursday, April 22, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - SB 209

## **HOUSE CALENDAR**

FIFTY-SIXTH DAY, WEDNESDAY, APRIL 21, 1999

## **HOUSE CONCURRENT RESOLUTION FOR SECOND READING**

HCR 34

## **HOUSE JOINT RESOLUTION FOR PERFECTION**

HJR 20, as amended - Gratz

## **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 18 - Franklin

## **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended, HA 2, pending - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz

9 HB 519 - Relford

10 HCS HB 535 - May (108)

11 HB 406 - Mays (50)

12 HB 146, HCA 1 - Wiggins

13 HB 787 - Wiggins

14 HB 59, HCA 1 - Boucher

15 HB 699, HCA 1 - Kreider

16 HCS HB 142 - Campbell

17 HCS HB 488, 206 & 357 - May (108)

18 HB 85 - Troupe

19 HCS HB 200 - Troupe

20 HCS HB 89 - Troupe

21 HB 717 - Harlan

22 HCS HB 160 - O'Toole

23 HCS HB 730 - Leake

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 826, HS, as amended, pending - Harlan

3 HCS HB 643, 710 & 711 - Bray

4 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

**HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HCS HB 283, 286, 325, 370, 551, 36, 42, 73, 111, 341,

619, 62 & 579, E.C. (Fiscal Review 4-15-99) - Hosmer

3 HS HCS HB 180, (Fiscal Review 4-14-99) - Hoppe

4 HS HCS HB 723, (Fiscal Review 4-20-99) - Koller

5 HB 120, (Fiscal Review 4-19-99) - Kreider

**HOUSE BILL FOR THIRD READING - CONSENT**

HB 691 - Miller

**SENATE BILLS FOR SECOND READING**

1 SB 29

2 SS#2 SCS SB 70

3 SS SCS SB 94

4 SB 125

5 SCS SB 328, 87, 100 & 55

6 SCS SB 351

7 SB 359

8 SB 371

9 SS SB 455

10 SB 495

**SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 14, HCA 1 (3-10-99, pg. 759) - Skaggs

2 HCS SCR 2, (3-29-99, pg. 930) - May (50)

3 SCR 11, (2-10-99, pg. 347) - Johnson

4 SCR 10, (2-9-99, pg. 330) -



## SENATE BILLS FOR THIRD READING - CONSENT

1 SB 216 - Clayton

2 SB 353 - Ransdall

3 SCS SB 261 - Barry

4 SB 15 - Murray

5 SB 177 - May (108)

6 SB 321 - Smith

7 SB 329 - Smith

8 SB 271 - Smith

9 SB 414, HCA 1 - Leake

10 HCS SCS SB 334 - Wiggins

11 SB 28, HCA 1 - Auer

12 HCS SB 410 - Richardson

13 HCS SB 278 - May (108)

(April 14, 1999)

14 SB 443, E.C. - Farnen

15 SB 424 - Hampton

16 SB 83 - Gunn

17 SB 460 - Harlan

18 HCS SCS SB 218, E.C. - Farnen

19 HCS SCS SB 234, E.C. - Kennedy

20 HCS SB 426 - Wiggins

21 SB 362 - Barry

22 SB 197 - Rizzo

23 SCS SB 412 - Days

24 HCS#2 SB 25 - Carter

25 SB 435 - Crump

26 SB 401 - McBride

27 SB 357, HCA 1 - Linton

28 SCS SB 244 - Treadway

29 SB 207 - Hosmer

30 SB 352 - Koller

31 SB 277 - Wagner

32 SB 434 - Linton

33 SB 81 - Hoppe

34 SCS SB 90 - Hoppe

35 SB 139 - Hoppe

36 SB 12 - Hoppe

37 SB 220 - Hoppe

38 SB 153 - Hoppe  
39 SCS SB 391 - Williams (159)  
40 SCS SB 423 - Legan  
41 SB 115, HCA 1 - Ransdall  
42 SCS SB 159, HCA1 - Barry  
43 HCS SB 214 - Hoppe  
44 HCS SCS SB 170 - Pryor  
45 HCS SB 34 - Lawson  
46 HCS SB 270 - Kissell  
47 SCS SB 176 - Ridgeway

#### **SENATE BILLS FOR THIRD READING**

1 HCS SB 276, E.C. - Smith  
2 SB 348 - Thompson (37)  
3 HCS SCS SB 295 & 46, E.C. - May (108)  
4 HCS SB 219 - Bray  
5 SB 7 - Boykins  
6 SB 310 - Leake

#### **HOUSE BILL WITH SENATE AMENDMENTS**

SCS HB 275, E.C. - May (108)

#### **BILLS CARRYING REQUEST MESSAGES**

1 SCS HB 248, (House request Senate recede/grant conf) - Kissell  
2 SCS HCS HB 348, (House request Senate recede/grant conf) - Smith  
3 SCS HCS HB 10, a.a., (House request Senate recede/grant conf) - Carter  
4 SCS HCS HB 11, a.a., (House request Senate recede/grant conf) - Troupe  
5 SCS HCS HB 12, (House request Senate recede/grant conf) - Green

#### **BILLS IN CONFERENCE**

1 SCS HCS HB 2 - Lakin  
2 SCS HCS HB 3 - Lakin  
3 SCS HCS HB 4, as amended, - Green  
4 SCS HCS HB 5, as amended, - Green  
5 SCS HCS HB 6, as amended, - Franklin  
6 SCS HCS HB 7 - Franklin  
7 SCS HCS HB 8 - Lakin  
8 SCS HCS HB 9 - Franklin

#### **HOUSE RESOLUTIONS**

1 HR 496, (3-24-99, pg. 866) - May (108)

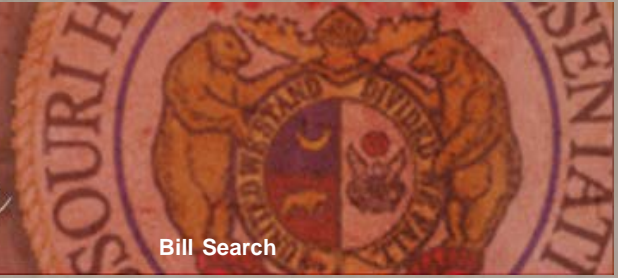
2 HR 502, (4-7-99, pg. 1093) - Luetkenhaus



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-SIXTH DAY, Wednesday, April 21, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

Our Father who art in Heaven, we unite our hearts in prayer and we acknowledge that You are the giver of life.

When there is a tragedy, a great shock, children harmed, deaths, we turn to You. For we are reminded how fragile we are.

We pray for students, teachers and their families in Littleton, Colorado. Grant them, and all who mourn, the comfort of Your Holy Spirit.

Help us to recommit ourselves to a society that seeks Your will and strives for gentleness, peace and justice.

Bless our nation, bless our state and bless this House; to You be honor and glory forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Lauren Grossman, Elizabeth Ricks, Greg Weslok, Melissa Mehegan, David Truetzel, Carolyn Cooper, Matt Yoon, Catherine Gabel, Jordan Schnitzer, Brent Willis, Meredith Toole, Meghan Greer, Allie Hudson, Sam Neudecker, Ann Elise Bouvatte, Martinique Renee Hall, Jordan Harris Knecht, Katherine Janell Thurman, Maria Frances Cognata, Peter Joel Kaelble, Joshua Michael Kountz, Anne-Marie Tiffany Roth, Sam Primm, Melissa Carter, Erik Rowberry, Matt Phillips, Brittney Morris, Thomas Summers, Katherine Summers, Stacy Brunssen, Hannah Mathews, Alexis Rolls, Danielle Creech, Erica Smith, Crystal Reed, Sarah York, Abigail York, Hannah York, Adam York, Amanda Younce, Beth Schroeder, Rebecca Martin, Sara Boston, Kim Giger, Dustin Hays, Lindsay Jordan, Mandy Martin, Jessica Wolfe, Matthew McCormick, Brooke Catherine Little, Dylan Michael Little, Erin Elizabeth Little, Jessica Swicegood, Amanda Troyer, Amiee Troyer, Michele Troyer and Kai-Lea Troyer.

The Journal of the fifty-fifth day was approved as corrected by the following vote:

AYES: 144

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot



Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Gratz  
Green Griesheimer Gunn Hagan-Harrell Hampton  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Marble  
May 108 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 007

Blunt Boatright Hanaway Hohulin King  
Patek Wright

PRESENT: 001

Reid

ABSENT WITH LEAVE: 009

Evans Graham 24 Gross Harlan Howerton  
Luetkenhaus Mays 50 McLuckie Ridgeway

VACANCIES: 002

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 970 - Representative Relford

House Resolution No. 971 - Representative Ostmann

House Resolution No. 972 and House Resolution No. 973 - Representative Luetkemeyer

House Resolution No. 974 through House Resolution No. 978 - Representative Pouche

House Resolution No. 979 - Representative Hegeman

House Resolution No. 980 - Representative Abel

House Resolution No. 981 and House Resolution No. 982 - Representative Summers

House Resolution No. 983 - Representatives Hollingsworth and Backer

House Resolution No. 984 - Representative Griesheimer

House Resolution No. 985 - Representative Overschmidt

House Resolution No. 986 - Representative Patek

House Resolution No. 987 - Representative Murphy

House Resolution No. 988 - Representative Schwab

House Resolution No. 989 through House Resolution No. 994 - Representatives Lograsso, Ridgeway, Monaco and Bartle

House Resolution No. 995 - Representative Wiggins

House Resolution No. 996 through House Resolution No. 998 - Representatives Ross and Lograsso

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 34** was read the second time.

#### **SECOND READING OF SENATE BILLS**

**SB 29, SS#2 SCS SB 70, SS SCS SB 94, SB 125, SCS SBs 328, 87, 100 & 55, SCS SB 351, SB 359, SB 371, SS SB 455** and **SB 495** were read the second time.

#### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 599**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **HOUSE RESOLUTIONS**

**HR 496**, relating to election contest, was taken up by Representative Days.

Representative Hanaway offered **HS HR 496**.

Representative Hanaway moved that **HS HR 496** be adopted.

Which motion was defeated by the following vote:

AYES: 076

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Holand Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble McClelland Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Secrest Shields  
Summers Surface Townley Tudor Vogel  
Wright

NOES: 084

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 24 Gratz Green  
Gunn Hagan-Harrell Hampton Harlan Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McKenna McLuckie Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Relford Reynolds Riley Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 001

McBride

VACANCIES: 002

On motion of Representative Days, **HR 496** was adopted by the following vote:

AYES: 084

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 24 Gratz Green  
Gunn Hagan-Harrell Hampton Harlan Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McKenna McLuckie Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Relford Reynolds Riley Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Holand Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble McClelland Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Secrest Shields  
Summers Surface Townley Tudor Vogel  
Wright



PRESENT: 000

ABSENT WITH LEAVE: 001

McBride

VACANCIES: 002

On motion of Representative Crump, the House recessed until 2:15 p.m.

#### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

#### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 120 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 180 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 283 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 20, as amended**, relating to gaming, was taken up by Representative Gratz.

Representative Gratz offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 2, by inserting after the word "**organization**" the following: "**as defined by federal law**".

Representative Reynolds offered **House Substitute Amendment No. 1 for House Amendment No. 3**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 2, by inserting after the word "**organization**," the following: "**which is a tax-exempt organization pursuant to the standards of Section 501(c)(3) of the Federal Internal Revenue Code, as amended, and**".

Representative Reynolds moved that **House Substitute Amendment No. 1 for House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Griesheimer offered **House Substitute Amendment No. 2 for House Amendment No. 3.**

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 3*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 2, by inserting after the word "**organization**," the following: "**which is a tax-exempt organization pursuant to the standards of Section 501(c)(8) or Section 501(c)(10) of the Federal Internal Revenue Code, as amended, and**".

On motion of Representative Griesheimer, **House Substitute Amendment No. 2 for House Amendment No. 3** was adopted by the following vote:

AYES: 085

Abel Auer Barry 100 Berkowitz Bonner

Boucher Bray 84 Britt Campbell Clayton

Crump Davis 122 Davis 63 Dolan Dougherty

Farnen Fitzwater Foley Ford Franklin

Fraser Gambaro George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gunn

Hagan-Harrell Hampton Hartzler 124 Hegeman Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Merideth

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Ransdall

Relford Rizzo Robirds Scheve Schilling

Scott Selby Shelton Shields Smith

Thompson 37 Thompson 72 Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Mr. Speaker

NOES: 066

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Boykins Burton Carter Champion

Chrismer Cierpiot Crawford Days Enz

Evans Foster Gaskill Gross Hanaway

Hartzler 123 Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 King Klindt Legan

Levin Linton Lograsso Long Loudon

Luetkemeyer Marble McClelland Miller Myers

Patek Pouche Pryor Purgason Reid

Reinhart Reynolds Ridgeway Riley Ross  
Sallee Schwab Secrest Skaggs Stokan  
Summers Surface Williams 121 Williams 159 Wilson  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Backer Daniel Elliott Froelker Harlan  
Murphy Richardson Seigfreid Townley Wiggins

VACANCIES: 002

**HJR 20, as amended**, was laid over.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 10, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 11, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 12**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 248** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Scott, Mathewson, Stoll, Westfall and Mueller.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 291, as amended**, and request the House to recede from its position and take up and pass **SB 291** and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 348** and grants the House a conference thereon and further that the conferees be allowed to exceed the differences for the purpose of striking the last two lines of the bill.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 10, as amended**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 11, as amended**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 12**: Senators Goode,

Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 348**: Senators Caskey, Scott, Mathewson, Sims and Bentley.

#### **BILL CARRYING REQUEST MESSAGE**

**HS HCS SB 291, as amended**, relating to child support enforcement, was taken up by Representative Dougherty.

Representative Dougherty moved that the House refuse to recede from its position on **HS HCS SB 291, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **CONFERENCE COMMITTEE CHANGE**

The Speaker submitted the following committee changes:

Representative Williams (121) is no longer a member of the Conference Committee on **SCS HCS HB 5** and the Conference Committee on **SCS HCS HB 8**.

Representative Leake has been appointed a member of the Conference Committee on **SCS HCS HB 5** and the Conference Committee on **SCS HCS HB 8**.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SB 291**: Representatives Dougherty, Monaco, Campbell, Hanaway and McClelland.

**SCS HB 248**: Representatives Kissell, Hampton, Murray, Barnett and Ross.

**SCS HCS HB 348**: Representatives Smith, Relford, Davis (122), Ballard and Bartle.

**SCS HCS HB 10**: Representatives Franklin, Carter, Schilling, Shields and Patek.

**SCS HCS HB 11**: Representatives Franklin, Troupe, Kelly (27), Kelley (47) and Legan.

**SCS HCS HB 12**: Representatives Franklin, Green, Lakin, Legan and Shields.

#### **THIRD READING OF SENATE BILLS - CONSENT**

**SB 216**, relating to controlled substances, was taken up by Representative Clayton.

On motion of Representative Clayton, **SB 216** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright



Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Barry 100 Daniel Elliott Hilgemann Linton  
Lograsso McBride Pouche Pryor Seigfreid  
Treadway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Mays (50) moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**SB 353**, relating to hazardous waste fees, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **SB 353** was truly agreed to and finally passed by the following vote:

AYES: 148

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Riley Rizzo Ross Sallee

Scheve Schilling Schwab Scott Secrest

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 006

Akin Cierpiot Hartzler 124 Hohulin Ridgeway  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniel Elliott Ford Kasten Lograsso  
Robirds Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Thompson (72), title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 261**, relating to treatment of tuberculosis, was taken up by Representative Barry.

On motion of Representative Barry, **SCS SB 261** was truly agreed to and finally passed by the following vote:

AYES: 154

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Backer Daniel Elliott Kasten Lograsso  
Luetkemeyer Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hampton, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

**SB 15**, relating to state fire marshal, was taken up by Representative Murray.

On motion of Representative Murray, **SB 15** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion



Chrismer Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel Elliott Hosmer Lograsso Murphy  
Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

**SB 177**, relating to definition of "public servant", was taken up by Representative May (108).

On motion of Representative May (108), **SB 177** was truly agreed to and finally passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Bartelsmeyer Daniel Elliott Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Kelly (27) moved that motion lay on the table.

The latter motion prevailed.

**SB 321**, relating to trustee powers, was taken up by Representative Smith.

On motion of Representative Smith, **SB 321** was truly agreed to and finally passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 002

Hohulin Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 003

Daniel Elliott Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**SB 329**, relating to child counseling, was taken up by Representative Smith.

On motion of Representative Smith, **SB 329** was truly agreed to and finally passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump



Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel Elliott Hohulin Hosmer Myers

Seigfreid Wiggins Williams 159

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Ward moved that motion lay on the table.

The latter motion prevailed.

**SB 271**, relating to emancipated minors, was taken up by Representative Smith.

On motion of Representative Smith, **SB 271** was truly agreed to and finally passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 002

Murphy Reid

PRESENT: 000

ABSENT WITH LEAVE: 006

Crump Daniel Elliott Hohulin Lograsso  
Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative Berkowitz moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 334**, relating to environmental remediation, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **HCS SCS SB 334** was adopted.

On motion of Representative Wiggins, **HCS SCS SB 334** was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer  
Ballard Barnett Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Barry 100 Daniel Elliott Hagan-Harrell Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**SB 28, with House Committee Amendment No. 1**, relating to insurance, was taken up by Representative Auer.

On motion of Representative Auer, **House Committee Amendment No. 1** was adopted.

On motion of Representative Auer, **SB 28, as amended**, was read the third time and passed by the following vote:

AYES: 156

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer



Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Backer Daniel Elliott Hohulin Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonnor, title to the bill was agreed to.

Representative Skaggs moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 410**, relating to LAGERS, was taken up by Representative Richardson.

On motion of Representative Richardson, **HCS SB 410** was adopted.

On motion of Representative Richardson, **HCS SB 410** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dougherty Enz Evans Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 001

Bennett

PRESENT: 003

Bartelsmeyer Dolan Farnen

ABSENT WITH LEAVE: 004

Daniel Elliott Hosmer Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 278**, relating to business organizations, was taken up by Representative May (108).

On motion of Representative May (108), **HCS SB 278** was adopted.

On motion of Representative May (108), **HCS SB 278** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crump Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Boucher Crawford Daniel Elliott Gaskill  
Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Bray moved that the vote by which the bill passed be reconsidered.

Representative George moved that motion lay on the table.

The latter motion prevailed.

**SB 414, with House Committee Amendment No. 1**, relating to motor fuel tax, was taken up by Representative Leake.

On motion of Representative Leake, **House Committee Amendment No. 1** was adopted.

Representative Leake, having voted on the prevailing side, moved the vote by which **House Committee Amendment No. 1** was adopted, be reconsidered.

Which motion was adopted by the following vote:

AYES: 149



Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crump Davis 122 Davis 63  
Days Dolan Dougherty Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Gambaro George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Froelker

PRESENT: 000

ABSENT WITH LEAVE: 011

Berkstresser Crawford Daniel Elliott Gaskill

Hegeman Legan Murphy Patek Seigfreid

Treadway

Representative Leake moved that **House Committee Amendment No. 1** be adopted.

Which motion was defeated.

Representative Leake moved that Rule 65(e) be suspended for the purpose of offering **House Perfecting Amendment No. 1**.

Representative Lograsso raised a point of order that **House Perfecting Amendment No. 1** is not a true perfecting amendment.

The Chair ruled the point of order well taken.

Representative Leake moved that Rule 65(e) be suspended for the purpose of offering **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Bill No. 414, Page 6, Section 142.875, Line 30, by inserting after all of said line the following:

"142.896. 1. Distributors shall be required to post a bond of not less than three months' total liability based on the number of gallons handled as estimated by the director, with a maximum amount of one hundred and fifty thousand dollars for gasoline and diesel fuel separately.

2. The tax on the motor fuel imported shall not be considered part of potential liability for calculation of the bond required of a distributor's license if the nonexempt motor fuels meet the following conditions:

(1) All of the motor fuel is subject to one or more tax precollection agreements to remit the motor fuel tax of this state to the supplier or permissive supplier as trustee with respect to the imports, as provided [under] **pursuant to** section 142.839; and

(2) The director has determined that all border states have adopted terminal reporting requirements adequate for the mutual enforcement of this chapter.

3. If a distributor qualifies [under] **pursuant to** subsection 3 of section 142.851 and was not required to have a bond posted [under] **pursuant to** the predecessor act, then such distributor may elect to either post the bond as set out in this subsection or participate in a cash bond as set out below. The cash bond shall be held by the director in a "Motor Fuel Bond Trust Fund", which is hereby created, for the benefit of the participating distributors. The bond shall be used solely for the purpose of preventing a loss to the state for motor fuel taxes, surcharges and fees not paid. No distributor shall have any claim or rights against the fund as a separate person. Contributions to the fund will be made at the rate [of one-fourth of one percent of the prevailing motor fuel tax rate until such fund equals one-fourth of one percent of the prior year's motor fuel tax collections] **as defined in regulations promulgated by the director of the department of revenue**. Contributions will be remitted by the participating distributors through the suppliers under the same procedures as set out for remitting of motor fuel taxes set out in this chapter. The director shall notify the suppliers of which distributors have elected to participate, when the contributions are required and when the fund has reached its maximum. At that time no further contributions will be required until the fund has been depleted to [one-eighth of one percent of prior year's motor fuel tax collections] **the minimum amount established by regulation**, at which time the director shall notify the distributors and suppliers to resume contributions at the [above] **defined** rate. In the event the director has made a demand for payment from a participating distributor in this fund, and such demand has not been satisfied within ninety days, the director shall use the cash bond to satisfy the delinquency. Such action shall not affect the liability of the distributor for the tax or prevent the director from taking other actions permitted by this chapter.

4. After the expiration of three consecutive years of satisfactory tax compliance, as determined by the director, a licensed distributor will be eligible to participate in the pool bond in lieu of furnishing any other type of bond. The licensed distributor will be required to pay into the pool bond for a minimum of one year regardless whether the pool bond has reached its maximum or not.

5. The director shall compile a monthly report of all activities regarding the motor fuel bond fund including the name and license number of all licensees who have had a claim made against them, and the report shall be made available to pool members.

6. A distributor is required to remit the tax due on the last day of the succeeding month and file reports prescribed by the director.

7. Each licensed distributor shall report such information as required by the director including, but not limited to imports of motor fuel, exports of motor fuel, blending of motor fuels, all receipts of motor fuel, all receipts and sales of dyed fuel, all receipts and sales of tax- free undyed kerosene and the transporting of motor fuel or blend stocks for or on behalf of others.

8. The report required by this section shall be due on the last day of each month with respect to information required for the next preceding calendar month."; and

Further amend said bill, Page 8, Section 142.908, Line 15, by inserting after all of said line the following:

**"Section 1. The director of the department of revenue or any person designated by the director may conduct investigations as necessary to enforce the provisions of this chapter.**

**Section 2. The director of the department of revenue may prescribe forms upon which reports are made to the director and all other forms and information the director deems necessary to enforce the provisions of this chapter, and may require periodic submission of information from any person dealing in, transporting or storing motor fuel.**

**Section 3. A person who violates any provision of this chapter, including, but not limited to the failure to obtain required licenses or permits, or fails to keep records as prescribed herein, or neglects, fails or refuses to allow the director, the director's authorized agents or the Missouri highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to pay the tax due is guilty of a misdemeanor and may be punished as prescribed by law. Any person who violates any of the provisions of this section with the purpose to defraud is guilty of a class D felony.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Leake, Rule 65(e) was suspended and **House Amendment No. 1** was adopted by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel Elliott Hagan-Harrell Legan Ridgeway

Seigfreid

VACANCIES: 002

On motion of Representative Leake, **SB 414, as amended**, was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Fraser Froelker Gambaro George

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Linton Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt



Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Berkstresser Daniel Elliott Franklin Gaskill  
Gibbons Liese Lograsso Murphy Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Williams (159) moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILL WITH SENATE AMENDMENT

**SCS HB 275**, relating to public administrators, was taken up by Representative May (108).

On motion of Representative May (108), **SCS HB 275** was adopted by the following vote:

AYES: 156

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Days Dolan Dougherty Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Ballard Berkstresser Daniel Elliott Seigfreid

VACANCIES: 002

On motion of Representative May (108), **SCS HB 275** was truly agreed to and finally passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Daniel Dougherty Elliott Liese Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 134

Abel Auer Backer Barry 100 Bartelsmeyer  
Bennett Berkowitz Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Days Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro George Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Linton Long Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Ransdall  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 018

Akin Alter Ballard Barnett Bartle  
Chrismer Dolan Gross Hendrickson Hohulin  
Levin Lograsso Loudon Luetkemeyer Myers  
Pouche Purgason Reid

PRESENT: 000

ABSENT WITH LEAVE: 009



Berkstresser Daniel Dougherty Elliott Gaskill

Gibbons Liese Pryor Seigfreid

VACANCIES: 002

On motion of Representative Boykins, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF HOUSE BILLS

**HS HCS HB 180**, relating to dry cleaning, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **HS HCS HB 180** was read the third time and passed by the following vote:

AYES: 126

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Evans

Farnen Fitzwater Foley Ford Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hegeman Hickey Hilgemann

Hollingsworth Hoppe Hosmer Kasten Kelley 47

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Legan Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Scheve Schilling Schwab Secrest Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 027

Ballard Bartelsmeyer Blunt Boatright Chrismer

Enz Foster Gross Hartzler 124 Hendrickson

Hohulin Holand Howerton King Linton

Lograsso Luetkemeyer Merideth Murphy Myers

Patek Pouche Pryor Purgason Scott

Selby Tudor

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel Dougherty Elliott Leake Levin

Liese Sallee Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lawson, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579**, relating to crimes and punishment, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HS HCS HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 & 579** was read the third time and passed by the following vote:

AYES: 103

Akin Alter Backer Ballard Barnett

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Blunt Bonner Boucher Britt Burton

Campbell Champion Cierpiot Clayton Crawford

Crump Davis 122 Davis 63 Dolan Farnen

Fitzwater Foley Ford Foster Franklin

Froelker Gaskill Gibbons Graham 106 Graham 24

Gratz Griesheimer Gross Hagan-Harrell Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Hollingsworth Hosmer Howerton Kasten  
Kelley 47 King Kissell Klindt Lakin  
Legan Levin Linton Lograsso Loudon  
Luetkemeyer Luetkenhaus Marble May 108 McKenna  
Merideth Miller Monaco Myers Naeger  
Nordwald O'Toole Ostmann Overschmidt Parker  
Pouche Purgason Ransdall Reid Reinhart  
Relford Richardson Ridgeway Rizzo Robirds  
Ross Sallee Schilling Schwab Selby  
Shields Skaggs Stokan Summers Surface  
Thompson 37 Troupe Tudor Vogel Williams 121  
Williams 159 Wright Mr. Speaker

NOES: 052

Abel Barry 100 Black Boatright Boykins  
Bray 84 Carter Chrismer Days Dougherty  
Enz Evans Fraser Gambaro George  
Green Hampton Harlan Hickey Hilgemann  
Hoppe Kelly 27 Kennedy Koller Kreider  
Lawson Leake Liese Long Mays 50  
McBride McClelland McLuckie Murphy Murray  
O'Connor Pryor Reynolds Riley Scheve  
Scott Secrest Shelton Smith Thompson 72  
Townley Treadway Van Zandt Wagner Ward  
Wiggins Wilson

PRESENT: 002

Gunn Patek

ABSENT WITH LEAVE: 004

Auer Daniel Elliott Seigfreid

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 011

Blunt Boucher Crump Hagan-Harrell Hartzler 123

Hegeman Hohulin Howerton Loudon Nordwald

Williams 121

NOES: 142

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Boatright Bonner Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hampton Hanaway Harlan Hartzler 124 Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Linton Lograsso Long Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 159 Wilson

Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Bartelsmeyer Black Daniel Elliott

Liese McLuckie Seigfreid

VACANCIES: 002



On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**HB 120**, relating to income tax of pensions, was taken up by Representative Kreider.

On motion of Representative Kreider, **HB 120** was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 002

Hendrickson McClelland

ABSENT WITH LEAVE: 005

Black Daniel Elliott Liese Seigfreid

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative McKenna, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Ladd Stokan moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILL - INFORMAL

**HCS HB 826, with HS, as amended, pending**, relating to long-term care facilities, was taken up by Representative Harlan.

**HS HCS HB 826, as amended**, was withdrawn.

Representative Harlan offered **HS HCS HB 826**.

Representative Harlan offered **House Amendment No. 1**

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 5, Section 197.315, Line 20, by inserting the word "**and**" immediately after the word "**committee**" found on said line; and

Further amend said bill, Page 6, Section 197.315, Line 19, by deleting the word "**less**" found on said page and inserting in lieu thereof the word "**fewer**"; and

Further amend said bill, Page 20, Section 198.073, Line 9 of said page, by inserting after the word "**with**" the words "**Alzheimer's disease or**"; and

Further amend said bill, Page 25, Section 198.427, Line 9, by inserting immediately after the word "**eighty-five**" found on said line the words "**per cent**"; and

Further amend said bill, Page 27, Section 5, Line 16, by deleting the word "**new**" found on said line and inserting in lieu thereof the words "**newly licensed**"; and

Further amend said bill, Page 29, Section 5, Line 7 of said page, by inserting after the first occurrence of the word "**Alzheimer's**" the word "**disease**".

On motion of Representative Harlan, **House Amendment No. 1** was adopted.

Representative Harlan offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 8, Section 197.317, Line 13 of said page, by deleting the number "**2000**" and inserting in lieu thereof the number "**2001**"; and

Further amend said bill, Page 8, Section 197.317, Line 18 of said page, by deleting the number "**2001**" and inserting in lieu thereof the number "**2002**".

Representative Williams (159) offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 1, Section A, Lines 11 to 13 of said page, by deleting all of said lines and inserting in lieu thereof the following: "RSMo 1994, and sections 198.067 and 198.427, RSMo Supp. 1998, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 197.315, 198.015,"; and

Further amend said bill, Page 7, Section 197.317, Lines 16 to 24 of said page, lines 1 to 24 of page 8 and lines 1 and 2 of page 9, by deleting all of said lines; and

Further amend said bill, Page 35, Section 11, Line 13 of said page, by inserting after all of said line the following:

"Section B. Section 197.317, RSMo Supp. 1998, is repealed and one new section enacted in lieu thereof, to be known as section 197.317, to read as follows:

197.317. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 C.F.R., section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (12) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed under this chapter or a nursing care facility licensed under chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after July 1, [1999] **2002**, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to July 1, [2000] **2003**. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

Section C. Because immediate action is necessary to provide continuity of care for the elderly Section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and Section B of this act shall be in full force and effect on July 1, 1999, or upon its passage and approval, whichever later occurs."

On motion of Representative Williams (159), **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

Representative Patek offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 7, Section 197.315, Line 15 of said page, by inserting after all of said line the following:

**"20. Notwithstanding any other provision of law to the contrary, any hospital located in a county of the third classification with a township form of government with a population between ten thousand seven hundred and eleven thousand inhabitants that is licensed for acute care may transfer up to thirty acute care beds to long-term care beds; provided that, no Medicare or Medicaid reimbursement is received for such long-term care beds, and the facility meets all other staffing and safety requirements established for the provision of long-term care."**

Representative Patek moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Davis 122 Dolan Enz Foster

Froelker Gaskill Gibbons Graham 106 Gross

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kelley 47

King Klindt Legan Levin Linton

Lograsso Loudon Luetkemeyer Marble McClelland

Miller Murphy Myers Naeger Ostmann

Patek Pouche Pryor Purgason Reid

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Shields

Summers Surface Townley Tudor Vogel

Wright

NOES: 080

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Davis 63

Days Dougherty Evans Farnen Fitzwater

Foley Ford Franklin Fraser Gambaro

George Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Kelly 27 Kennedy

Kissell Koller Lakin Lawson Leake

Liese May 108 Mays 50 McBride McKenna

McLuckie Merideth Monaco Murray Nordwald

O'Connor O'Toole Overschmidt Parker Ransdall



Relford Riley Rizzo Schilling Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Van Zandt Wagner  
Ward Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel Elliott Hosmer Kreider Long  
Luetkenhaus Reynolds Scheve Seigfreid Wiggins

VACANCIES: 002

Representative Richardson offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 35, Section 5, Line 13, by adding the following new section at the end of said bill:

"The provisions of Sections 197.300 to 197.366, RSMo. shall not apply to any sixty bed stand-alone facility designed and operated exclusively for the care of residents with Alzheimer's disease or dementia and located in a tax increment financing district, which district also has within its boundaries a skilled nursing facility."

On motion of Representative Richardson, **House Amendment No. 4** was adopted.

**HCS HB 826, with HS, as amended, pending**, was laid over.

#### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 13** - Miscellaneous Bills and Resolutions  
**SCR 15** - State Parks, Natural Resources and Mining  
**SCR 17** - Elections

#### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SB 29** - Judiciary  
**SS SCS SB 94** - Criminal Law  
**SB 125** - Critical Issues  
**HCS SCS SBs 295 & 46** - Fiscal Review (Fiscal Note)  
**SB 310** - Fiscal Review (Fiscal Note)  
**SCS SBs 328, 87, 100 & 55** - Criminal Law  
**SB 359** - Motor Vehicle and Traffic Regulations

**SB 371** - Criminal Law

**SS SB 455** - Elections

**SB 495** - Utilities Regulation

## COMMITTEE REPORTS

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SB 152**, begs leave to report it has examined the same and **pursuant to Rule 48, concurs in the report of the committee of origin to place the bill on the calendar of Senate Bills for Third Reading Consent.**

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SB 479**, begs leave to report it has examined the same and **pursuant to Rule 48, concurs in the report of the committee of origin to place the bill on the calendar of Senate Bills for Third Reading Consent.**

**Committee on Banks and Financial Institutions**, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 456**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 15**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2.**

*House Committee Amendment No. 1*

AMEND House Bill No. 15, Page 22, Section 15.156, Line 7, by deleting the words "From General Revenue Fund" and inserting in lieu thereof the words "From State Highways and Transportation Department Fund"; and

Further amend said bill, Page 22, Section 15.158, line 7, by deleting the words "From General Revenue Fund" and inserting in lieu thereof the words "From State Highways and Transportation Department Fund"; and

Further amend said bill, Page 22, Section 15.162, line 7, by deleting the words "From General Revenue Fund" and inserting in lieu thereof the words "From State Highways and Transportation Department Fund"

*House Committee Amendment No. 2*

AMEND House Bill No. 15, Page 41, Section 15.282, Lines 1 through 10, by deleting all of said section.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 16**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment**

**No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 16, Page 5, Section 16.028, Line 11, by adding after said line one new section to read as follows:

"Section 16.029. To the Department of Natural Resources

For the Division of Environmental Quality

For rural water and sewer grants \$ 26,865

For stormwater control grants \$ 49,500

Representing expenditures originally authorized under the provisions of House Bill Section 18.200, an Act of the 89th General Assembly, First Regular Session  
From Third State Building Trust Fund \$ 76,365"

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 35**, introduced by Representatives Thompson (37), Ross, Ford and Kelley (47), et al, relating to naming the Kansas City State Office Building the Fletcher Daniels Missouri State Office Building.

#### INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

**HB 1062**, introduced by Representative Boucher, relating to registration and licensing of motor vehicles.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 10** and has taken up and passed **SB 10, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 17** and has taken up and passed **SB 17, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 169** and has taken up and passed **SB 169, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SBs 240, 226 & 229** and has taken up and passed **HCS SCS SBs 240, 226 & 229**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 275** and has taken up and passed **HCS SCS SB 275**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 35**, entitled:

An act to repeal sections 92.327 and 92.336, RSMo 1994, relating to the Kansas City convention and tourism tax, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 282**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 366**, entitled:

An act to repeal section 52.385, RSMo 1994, relating to county collectors, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 445**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 464**, entitled:

An act to repeal sections 70.600 and 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 478**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 514**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 518**, entitled:

An act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 518, Page 1, Section 67.1360, Line 5, by deleting all of said line and inserting in lieu thereof the following: "January 1, 2003, **or any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants, may**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 570**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 662**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 776**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 778**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed



**HB 791.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 795**, entitled:

An act to repeal sections 301.600, 301.610, 301.620 and 301.630, RSMo 1994, and sections 32.080 and 301.640, RSMo Supp. 1998, relating to the keeping of certain electronic records, and to enact in lieu thereof nine new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 800**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 834**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 853**, entitled:

An act to repeal section 89.320, RSMo Supp. 1998, relating to planning commissions of municipalities, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 853, Page 1, Section 89.320, Line 7, by striking "thirteen" and inserting in lieu thereof the following: "**fifteen**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 920**, entitled:

An act to repeal section 173.005, RSMo 1994, relating to an advisory committee of the coordinating board for higher education, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 920, Page 1, In the Title, Line 2, by deleting the words "an advisory committee of"; and

Further amend said bill, Page 1, Section 173.005, Line 10, by inserting immediately after the word "administrator" the words "**with a public or private institution of higher education**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 34**, entitled:

An act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 34, Page 1, In the Title, Line 2, by striking the following: "section 537.620" and inserting in lieu thereof the following: "sections 537.620 and 537.635"; and further amend line 3 of the title, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, section A, lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Sections 537.620 and 537.625, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 537.620 and 537.625, to read as follows:"; and

Further amend said bill and page, section 537.620, line 7, by inserting after all of said line the following:

"537.635. The association may, on the seventh day thereafter, commence to do business. The association shall be a body corporate, and shall do business as a corporation. No member of the association shall be liable for any amounts because of his membership in the association other than his assessments as provided in the articles of association and the bylaws of the association. The business of the association shall be conducted so as to preclude any distribution of income, profit or property of the association to the individual members thereof except in payment of claims or indemnities or upon the final dissolution of the association, **but the association may pay dividends to its members as long as the association has a positive surplus both before and after any such dividend is declared.**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 94.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 145.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 271.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 290.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 358.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 476**, entitled:

An act to repeal section 79.070, RSMo 1994, relating to fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 517.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 528.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 646.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 678.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 708**, entitled:

An act to repeal section 442.586, RSMo 1994, relating to titles and conveyance of real estate, and to enact in lieu thereof one new section relating to the same subject.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND House Bill No. 708, Page 1, Section 442.586, Line 1, by striking after "442.586." the following: "1."; and

Further amend said bill and section, page 2, lines 16 and 17, by striking the opening "C" and closing brackets "]" on said lines; and

Further amend said bill, section and page, lines 14-20, by striking all of said lines.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 721**, entitled:

An act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 789**, entitled:

An act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 893**, entitled:

An act relating to the creation of a 911 day.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 893, Page 1, In the Title, Line 1, by striking "911 day" and inserting in lieu thereof the following: "Emergency Services Day"; and

Further amend said bill and page, section 1, line 1, by striking all of said line and inserting in lieu thereof the following:

**"Section 1. The twenty-eighth day of November of each year shall be known as "Emergency Services Day";** and further amend line 3 of said page, by striking "and" and inserting in lieu thereof the following: ", "; and further amend line 4 of said page, by inserting immediately after the word "dispatchers" the following: ", **and corrections officers**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 915**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 930**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 39**, entitled:

An act to repeal section 701.304, RSMo Supp. 1998, relating to inspections for lead hazard, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 136**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 201**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 216**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 328**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 453**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 929**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 965**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 402**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 568**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 607**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 748**.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 796**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 987**.

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, April 22, 1999.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-fifth Day, Tuesday, April 20, 1999, page 1370, line 21, by deleting the words "**Do Pass**," and inserting in lieu thereof the following:

**"Do Pass with House Committee Amendment No. 1."**

*House Committee Amendment No. 1*

AMEND House Bill No. 167, Page 1, Section 1, Lines 2-3 by striking the words "such person's identity, address or employment, or any other material fact, or that of any other"; and by inserting in lieu thereof the word "**another**".

Pages 1342 and 1343, roll call, by showing Representatives Crump, Murphy and Reynolds voting "aye" rather than "absent with leave".

Pages 1343 and 1344, roll call, by showing Representatives Howerton, Murphy, Purgason and Reynolds voting "aye" rather than "absent with leave".

Pages 1344 and 1345, roll call, by showing Representatives Murphy, Purgason and Robirds voting "aye" rather than "absent with leave".

Pages 1345 and 1346, roll call, by showing Representatives Burton, Franklin, Purgason and Summers voting "aye" rather than "absent with leave".

Pages 1346 and 1347, roll call, by showing Representatives Barry and Franklin voting "aye" rather than "absent with leave".

Pages 1347 and 1348, roll call, by showing Representatives Crump, Howerton, Kennedy, Liese, Luetkemeyer, Scott and Summers voting "aye" rather than "absent with leave".

Pages 1353 and 1354, roll call, by showing Representative Fraser voting "no" rather than "aye".

Pages 1353 and 1354, roll call, by showing Representatives Barry, Bennett, Berkstresser, Crawford, Kreider, Luetkenhaus, Murray and Surface voting "no" rather than "absent with leave".

Page 1356, roll call, by showing Representatives Berkstresser and Kelley (47) voting "aye" rather than "absent with leave".

Pages 1356 and 1357, roll call, by showing Representatives Berkstresser and Kelley (47) voting "aye" rather than "absent with leave".

Pages 1357 and 1358, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 1358 and 1359, roll call, by showing Representative Fraser voting "aye" rather than "absent with leave".

Pages 1359 and 1360, roll call, by showing Representative Holand voting "no" rather than "aye".

Pages 1360 and 1361, roll call, by showing Representatives Parker and Scott voting "aye" rather than "absent with leave".

Page 1362, roll call, by showing Representatives Champion, Fraser, Parker, Ransdall, Reynolds and Smith voting "aye" rather than "absent with leave".

Pages 1364 and 1365, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BUDGET**

Thursday, April 22, 1999, 8:30 am. Hearing Room 6. FY 2000

reappropriations Possible executive session.

To be considered - HB 19

### **BUDGET**

Thursday, April 22, 1999. Hearing Room 6 upon morning adjournment. FY 2000 reappropriations. Possible executive session.

To be considered - HB 19

### **CRIMINAL LAW**

Thursday, April 22, 1999, 9:00 am. Hearing Room 5. Executive session.

To be considered - SB 335

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, April 27, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 126, HB 980, HB 1018, SB 233

### **ENVIRONMENT AND ENERGY**

Thursday, April 22, 1999, 9:00 am. Hearing Room 9. Executive session may follow.

To be considered - HB 1060

### **FISCAL REVIEW**

Thursday, April 22, 1999, 8:30 am. Hearing Rooms 1 and 2. Executive session.

### **AMENDED NOTICE.**

To be considered - HB 599, HB 723

### **JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING**

Monday, April 26, 1999, 12:00 pm. Hearing Room 8. Public testimony will be heard.

Joe Driskill will present plans for enterprise zones.

### **JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Thursday, April 22, 1999, 9:00 am. Hearing Room 7. Contested fiscal notes. AMENDED NOTICE.

To be considered - HB 184, HB 718, HB 918, SB 373

#### JUDICIARY

Tuesday, April 27, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - SB 89, SB 441

#### MISSOURI TOBACCO SETTLEMENT

Monday, April 26, 1999. Northeast side gallery upon adjournment.

Executive session.

#### UTILITIES REGULATION

Thursday, April 22, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - SB 209

#### HOUSE CALENDAR

FIFTY-SEVENTH DAY, THURSDAY, APRIL 22, 1999

#### HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 35

#### HOUSE BILL FOR SECOND READING

HB 1062

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

#### HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

1 HCS HB 18 - Franklin

2 HB 15, HCA 1 & 2 - Franklin

3 HB 16, HCA 1 - Franklin

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 769, as amended, HA 2, pending - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry  
7 HCS HB 709 - Leake  
8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 826, HS, as amended, pending - Harlan  
3 HCS HB 643, 710 & 711 - Bray  
4 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo  
2 HS HCS HB 723, (Fiscal Review 4-20-99) - Koller  
3 HCS HB 599, (Fiscal Review 4-21-99) - Gunn

#### **HOUSE BILL FOR THIRD READING - CONSENT**

HB 691 - Miller

#### **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 14, HCA 1 (3-10-99, pg. 759) - Skaggs  
2 HCS SCR 2, (3-29-99, pg. 930) - May (50)



3 SCR 11, (2-10-99, pg. 347) - Johnson

4 SCR 10, (2-9-99, pg. 330) - Bonner

#### **SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 152 - Kreider

2 SB 479 - Gaskill

3 SB 443, E.C. - Farnen

4 SB 424 - Hampton

5 SB 83 - Gunn

6 SB 460 - Harlan

7 HCS SCS SB 218, E.C. - Farnen

8 HCS SCS SB 234, E.C. - Kennedy

9 HCS SB 426 - Wiggins

10 SB 362 - Barry

11 SB 197 - Rizzo

12 SCS SB 412 - Days

13 HCS#2 SB 25 - Carter

14 SB 435 - Crump

15 SB 401 - McBride

16 SB 357, HCA 1 - Linton

17 SCS SB 244 - Treadway

18 SB 207 - Hosmer

19 SB 352 - Koller

20 SB 277 - Wagner

21 SB 434 - Linton

22 SB 81 - Hoppe

23 SCS SB 90 - Kelly (27)

24 SB 139 - Hoppe

25 SB 12 - Hoppe

26 SB 220 - Hoppe

27 SB 153 - Hoppe

28 SCS SB 391 - Williams (159)

29 SCS SB 423 - Legan

30 SB 115, HCA 1 - Ransdall

31 SCS SB 159, HCA1 - Barry

32 HCS SB 214 - Hoppe

33 HCS SCS SB 170 - Pryor

34 HCS SB 34 - Lawson

35 HCS SB 270 - Kissell

36 SCS SB 176 - Ridgeway

## **SENATE BILLS FOR THIRD READING**

- 1 HCS SB 276, E.C. - Smith
- 2 SB 348 - Thompson (37)
- 3 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)
- 4 HCS SB 219 - Bray
- 5 SB 7 - Boykins
- 6 SB 310, (Fiscal Review 4-21-99) - Leake

## **BILLS IN CONFERENCE**

- 1 SCS HCS HB 2 - Lakin
- 2 SCS HCS HB 3 - Lakin
- 3 SCS HCS HB 4, as amended, - Green
- 4 SCS HCS HB 5, as amended, - Green
- 5 SCS HCS HB 6, as amended, - Franklin
- 6 SCS HCS HB 7 - Franklin
- 7 SCS HCS HB 8 - Lakin
- 8 SCS HCS HB 9 - Franklin
- 9 SCS HCS HB 10, as amended, - Carter
- 10 SCS HCS HB 11, as amended, - Troupe
- 11 SCS HCS HB 12 - Green
- 12 SCS HCS HB 348, (conferees exceed differences) - Smith
- 13 SCS HB 248 - Kissell
- 14 HS HCS SB 291, as amended, E.C. - Dougherty

## **HOUSE RESOLUTION**

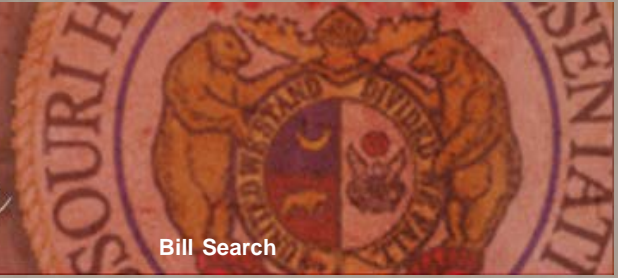
- HR 502, (4-7-99, pg. 1093) - Luetkenhaus



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-SEVENTH DAY, Thursday, April 22, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Dr. Doyle Sager.

Our Father in Heaven, we thank You for this new day. We pray this morning for the people of Littleton, Colorado -- the students, the families, the community. Help us to deal with our own demons of hatred, violence, intolerance and loneliness.

On this Earth Day, 1999, teach us to care for this wonderful world You have given us. Empower us to create beautiful worlds - inside our souls and all around our state. Bless this body this morning. May they join You in Your redemptive work, creating community and opportunity for everyone.

In Your name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Danielle Anderson, Ashley Brown, Devon Peoples, Melissa Bradford, Abby Herweck, Josh Tunnage, Amanda Barker, Doug Watson, Dana Sneed, Terease Jone, Anthony Rainey, DeJuan Tate, Brandon Brown, Mary Porzelt, Janna Hutchinson, Sera Rogoyawa, Gideon Dunn, Lydia Dunn, Ethan Dunn, Jherissa Carver, Jessica Grubbs, Danielle Boggeman, Sarah McBride, Korie Stevenson, Kamaya Ragland, James Sloss, Zachary Nixon, Carrie Jacquin, Katie Heimericks, Stacie McMillin, Garrett Carter, Erica Cook and Emily Whitchurch.

The Journal of the fifty-sixth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 999 - Representative Gibbons

House Resolution No. 1000 and House Resolution No. 1001 - Representative Relford

House Resolution No. 1002 - Representative Merideth

House Resolution No. 1003 - Representative Bartle

House Resolution No. 1004 - Representative Wright

House Resolution No. 1005 - Representative Enz

House Resolution No. 1006 - Representative Klindt

House Resolution No. 1007 - Representative Wright

House Resolution No. 1008 through House Resolution No. 1010 - Representative Miller

House Resolution No. 1011 - Representative Rizzo

House Resolution No. 1012 and House Resolution No. 1013 - Representative Boucher

House Resolution No. 1014 - Representatives Luetkenhaus, Kissell, Chrismer, Dolan, Gross, Ostmann and Bennett

House Resolution No. 1015 - Representative Foley

House Resolution No. 1016 - Representative Patek

### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 35** was read the second time.

### **SECOND READING OF HOUSE BILL**

**HB 1062** was read the second time.

### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 599 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 723 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **BILL IN CONFERENCE**

**SCS HCS HB 348**, relating to juvenile sex offender registration, was taken up by Representative Smith.

Representative Smith moved that the House conferees be allowed to exceed the differences for the purpose of striking the last two lines of the bill.

Which motion was adopted by the following vote:

AYES: 083

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Hickey Hilgemann

Hollingsworth Hoppe Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus May 108 Mays 50 McBride

McKenna McLuckie Monaco Murray O'Connor



O'Toole Overschmidt Parker Ransdall Relford  
Reynolds Riley Rizzo Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 075

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Griesheimer  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Hosmer Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Long Loudon  
Luetkemeyer Marble McClelland Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Patek Pouche Purgason Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Shields Summers  
Surface Townley Tudor Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Elliott Harlan Pryor

VACANCIES: 002

### THIRD READING OF HOUSE BILLS

**HS HCS HB 723**, relating to vehicle registration and inspection, was taken up by Representative Koller.

On motion of Representative Koller, **HS HCS HB 723** was read the third time and passed by the following vote:

AYES: 130

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Black Blunt Boatright Bonner Boucher  
Boykins Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Dolan Enz  
Evans Farnen Foster Franklin Fraser  
Froelker Gaskill Graham 106 Gratz Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Naeger Nordwald O'Toole Ostmann  
Overschmidt Parker Patek Pouche Ransdall  
Reinhart Relford Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 37 Thompson 72 Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wright Mr. Speaker

NOES: 028

Auer Bartelsmeyer Berkstresser Bray 84 Davis 63  
Days Dougherty Fitzwater Foley Ford  
Gambaro George Gibbons Graham 24 Green  
Griesheimer Harlan Kelly 27 Lawson McClelland  
O'Connor Purgason Reid Reynolds Summers  
Townley Troupe Wilson

PRESENT: 000

ABSENT WITH LEAVE: 003

Elliott Myers Pryor

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 599**, relating to insurance receivership, was taken up by Representative Gunn.

On motion of Representative Gunn, **HCS HB 599** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reid

Reinhart Relford Reynolds Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Boucher Elliott Green Long Myers

Pryor Richardson Seigfreid

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Van Zandt, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

#### **THIRD READING OF HOUSE JOINT RESOLUTION**

**HCS HJR 26**, relating to conservation commission, was taken up by Representative Crump.

**HCS HJR 26** was laid over.

#### **SIGNING OF SENATE BILLS**

All other business of the House was suspended while **HCS SCS SB 275** and **HCS SCS SBs 240, 226 & 229** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

#### **THIRD READING OF SENATE BILLS - CONSENT**

**SB 152**, relating to highway corridors, was taken up by Representative Kreider.

On motion of Representative Kreider, **SB 152** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel



Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Kreider Lakin Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 159 Wilson Wright  
Mr. Speaker

NOES: 005

Bennett Hanaway Kelly 27 Lawson Murphy

PRESENT: 001

Reid

ABSENT WITH LEAVE: 004

Elliott Green Pryor Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Davis (63) moved that motion lay on the table.

The latter motion prevailed.

**SB 479**, relating to liquified petroleum gas retailers, was taken up by Representative Gaskill.

On motion of Representative Gaskill, **SB 479** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Elliott Green Harlan Lakin Murphy

Pryor

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**SB 443**, relating to Missouri College Guarantee Program, was taken up by Representative Farnen.

On motion of Representative Farnen, **SB 443** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 002

Holand Linton

PRESENT: 000

ABSENT WITH LEAVE: 007

Elliott Harlan Hohulin Murphy Myers

Pryor Sallee

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 108

Abel Auer Backer Barnett Barry 100

Bennett Berkowitz Berkstresser Black Bonner

Boucher Boykins Britt Burton Campbell

Champion Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Fraser Gaskill

George Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hoppe Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell



Klindt Koller Lawson Leake Levin  
Long Luetkenhaus May 108 McBride McClelland  
McKenna McLuckie Miller Monaco Murray  
Myers Naeger Nordwald Ostmann Overschmidt  
Parker Patek Ransdall Reinhart Relford  
Reynolds Riley Rizzo Ross Sallee  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shields Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Wilson Mr. Speaker

NOES: 028

Akin Alter Ballard Bartle Blunt  
Boatright Chrismer Cierpiot Clayton Foster  
Gambaro Gibbons Hohulin Holand Kreider  
Linton Loudon Luetkemeyer Marble Merideth  
Murphy Pouche Purgason Reid Richardson  
Ridgeway Robirds Wright

PRESENT: 000

ABSENT WITH LEAVE: 025

Bartelsmeyer Bray 84 Carter Elliott Foley  
Ford Franklin Froelker Graham 106 Hollingsworth  
Hosmer Lakin Legan Liese Lograsso  
Mays 50 O'Connor O'Toole Pryor Scheve  
Shelton Skaggs Thompson 37 Troupe Williams 159

VACANCIES: 002

On motion of Representative Treadway, title to the bill was agreed to.

Representative Wagner moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

**SB 424**, relating to veterinarians, was taken up by Representative Hampton.

On motion of Representative Hampton, **SB 424** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Van Zandt Vogel Wagner

Ward Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 002

Murphy Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 008

Chrismer Elliott Hohulin Pryor Richardson

Secrest Tudor Wiggins

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Berkowitz, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**SB 83**, relating to homeless assistance program, was taken up by Representative Gunn.

On motion of Representative Gunn, **SB 83** was truly agreed to and finally passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hollingsworth Hosmer Howerton Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkemeyer Luetkenhaus May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 015

Bartelsmeyer Chrismer Elliott Hohulin Holand  
Hoppe Kasten Linton Marble Murphy  
Naeger Pryor Ridgeway Scheve Secrest

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

#### RECONSIDERATION

Representative Loudon, having voted on the prevailing side, moved that the vote by which the emergency clause on **SB 443** was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 141

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bennett  
Berkowitz Berkstresser Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Clayton  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Enz Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons



Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Monaco Murray  
Myers Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Ransdall Reinhart  
Relford Reynolds Richardson Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 008

Bartle Luetkemeyer Merideth Pouche Purgason  
Reid Ridgeway Townley

PRESENT: 000

ABSENT WITH LEAVE: 012

Boatright Cierpiot Crawford Elliott Evans  
Hohulin Holand Miller Murphy Naeger  
Pryor Secrest

VACANCIES: 002

On motion of Representative Farnen, the emergency clause on **SB 443** was adopted by the following vote:

AYES: 141

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Clayton

Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Enz Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Loudon  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Ransdall Reinhart Relford Reynolds  
Riley Rizzo Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 015

Akin Chrismer Foster Holand Linton  
Luetkemeyer Murphy Pouche Purgason Reid  
Richardson Ridgeway Robirds Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Cierpiot Elliott Hohulin Pryor Secrest

VACANCIES: 002

#### PERFECTION OF HOUSE BILL - INFORMAL

**HCS HB 826, with HS, as amended, pending**, relating to long-term care facilities, was taken up by Representative Harlan.

Representative Harlan offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 1, In the Title, by amending said title by adding one new section, "**197.305**"; and

Further amend said bill, Page 1, Line 10, by adding after the word "Sections" the following "**197.305**"; and

Further amend said bill, Page 1, Line 13, b adding after the word "Sections" the following "**197.305**"; and

Further amend said bill, Page 1, Line 15, by adding after the said line the following:

197.305. As used in this Act, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new **institutional** health [care] service, the public to be served, [the health systems agency] and health care facilities within the service area in which the prososed new health care service is to be developed;
- (2) "Agency", the [state health planning and development agency] **certificate of need program** of the Missouri department of health;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;
- (5) ["Continuing care retirement community", a continuing care retirement community provides at the same site or location independent housing, long-term health care and other services to older persons not related by blood or marriage to the owner or operator of the continuing care retirement community under an agreement effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health-related long-term care services when needed;]
- [(6)] "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;
- [(7)] **(6)** "Expenditure minimum" shall mean:
  - (a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, [six hundred thousand] **zero** dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment[, provided, however, that prior to December 31, 1999, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero], subject to the provisions of subsection 7 of section 197.318;
  - (b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 C.F.R., Section 412.23(e), the expenditure minimum shall be zero; and
  - (c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;
- [(8)] **(7)** "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not for profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;
- [(9)] **(8)** "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;
- [(10)] "Health systems agency", a regional health planning agency established pursuant to P.L. 93-641 and, after December

31, 1981, in accordance with Section 1512(b)(1)(B) thereof;

[(11)] **(9)** "Major medical equipment", medical equipment used for the provision of medical and other health services;

[(12)] **(10)** "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision [(15)] **(13)** hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

[(13)] **(11)** "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

[(14)] **(12)** "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

[(15)] **(13)** "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

On motion of Representative Harlan, **House Amendment No. 5** was adopted.

Representative Harlan offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 25, Section 198.427, Lines 3-14, by deleting all of said lines and inserting in lieu thereof the following:

**"2. Any nursing facility participating in the Medicaid program that incurs a capital expenditure in excess of two thousand dollars per bed shall be entitled to obtain from the Division of Medical Services within the Department of Social Services a recalculation of its Medicaid per diem reimbursement rate based on all costs incurred during the facility fiscal year during which such capital expenditure was made. The Division of Medical Services, when performing the recalculation, shall not apply any minimum occupancy or utilization adjustment to any cost item or center. Such recalculated reimbursement rate shall become effective and payable when granted by the Division of Medical Services. Any recalculation of any Medicaid per diem reimbursement rate for any or all Medicaid providers shall not apply any minimum occupancy or utilization requirements for any cost center and in no event shall any Medicaid provider have its per diem reimbursement rate reduced."**

On motion of Representative Harlan, **House Amendment No. 6** was adopted.

Representative Harlan offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 24, Section 198.427, Line 11, by deleting the opening bracket "[" found on said line; and

Further amend said bill, Page 25, Section 198.427, Line 2, by deleting the closing bracket "]" found on said line.



On motion of Representative Harlan, **House Amendment No. 7** was adopted.

Representative Harlan offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 21, Section 3, Subsection (3), Line 1, after "the ground floor" by inserting ";" (semi-colon) and deleting the rest of said line; and

Further amend said bill, Page 21, Section 3, Subsection (3), Line 2, by deleting all of said line.

On motion of Representative Harlan, **House Amendment No. 8** was adopted.

Representative Parker offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 35, Section 1, Line 13, by adding after line 13 the following:

**"Section 1. Notwithstanding the provisions of section 198.039, RSMo, and section 208.156, RSMo, to the contrary, a person entitled by such sections to a hearing pursuant to chapter 621, RSMo, may elect to bring the action in the circuit court of the county where such person resides or where the facility is located, or in the circuit court of Cole county pursuant to the provisions of section 536.150, RSMo. An appeal of the circuit court's decision may be filed with the court of appeals for the appropriate district."**

On motion of Representative Parker, **House Amendment No. 9** was adopted.

Representative Richardson offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 826, Page 35, Section 11, Line 13, by inserting immediately after said line the following:

**"Section 12. For any residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility, if the department of social services maintains records of site inspections and violations of statutes, rules, or the terms or conditions of any license issued to such facility, the department shall also maintain records of compliance with such statutes, rules, or terms or conditions of any license, and shall specifically record in such records any actions taken by the facility that are above and beyond what is minimally required for compliance."; and**

Further amend the title and enacting clause accordingly.

On motion of Representative Richardson, **House Amendment No. 10** was adopted.

On motion of Representative Harlan, **HS HCS HB 826, as amended**, was adopted.

On motion of Representative Harlan, **HS HCS HB 826, as amended**, was ordered perfected and printed.

### **THIRD READING OF SENATE BILLS - CONSENT**

**SB 460**, relating to Missouri higher education, was taken up by Representative Harlan.

On motion of Representative Harlan, **SB 460** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Daniel Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 24 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Kennedy

ABSENT WITH LEAVE: 010

Akin Barnett Crump Elliott Graham 106

Green Hohulin Legan Pryor Richardson

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Riback Wilson moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 218**, relating to university governing boards, was taken up by Representative Farnen.

On motion of Representative Farnen, **HCS SCS SB 218** was adopted.

On motion of Representative Farnen, **HCS SCS SB 218** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Clayton Crawford Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 003

Legan Reid Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Cierpiot Crump Elliott Gibbons Graham 106  
Hohulin Luetkemeyer Murphy Pryor

VACANCIES: 002

Representative Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 134

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Blunt Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Enz Evans Farnen Fitzwater  
Foley Ford Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Levin Liese Linton Loudon Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Miller Monaco Murray Myers  
Nordwald O'Connor O'Toole Overschmidt Parker



Patek Ransdall Reinhart Relford Reynolds  
Richardson Riley Rizzo Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 019

Akin Bartle Boatright Chrismer Cierpiot  
Foster Gross Hanaway Legan Lograsso  
Merideth Murphy Naeger Pouche Purgason  
Reid Ridgeway Robirds Ross

PRESENT: 000

ABSENT WITH LEAVE: 008

Elliott Graham 106 Hohulin Long Luetkemeyer  
McLuckie Ostmann Pryor

VACANCIES: 002

On motion of Representative Ward, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 234**, relating to Department of Labor, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HCS SCS SB 234** was adopted.

On motion of Representative Kennedy, **HCS SCS SB 234** was read the third time and passed by the following vote:

AYES: 148

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Britt Burton  
Carter Champion Chrismer Clayton Crawford

Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Loudon Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 003

Bray 84 Campbell Kelly 27

PRESENT: 000

ABSENT WITH LEAVE: 010

Akin Cierpiot Crump Elliott Graham 106  
Harlan Lograsso Luetkemeyer Pryor Reid

VACANCIES: 002

Representative Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Blunt Bonner Boucher  
Boykins Britt Burton Carter Champion  
Clayton Crawford Daniel Davis 122 Davis 63  
Days Dolan Dougherty Enz Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Loudon Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Ransdall  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 017

Akin Bartle Boatright Bray 84 Campbell  
Chrismer Cierpiot Evans Hendrickson Hohulin  
Merideth Murphy Pouche Purgason Reid  
Ridgeway Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Crump Elliott Graham 106 Harlan Kelly 27  
Lograsso Long Luetkemeyer McLuckie Patek  
Pryor

VACANCIES: 002

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Hilgemann moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 426**, relating to waste tire fee, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **HCS SB 426** was adopted.

On motion of Representative Wiggins, **HCS SB 426** was read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Clayton Crawford

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Enz Evans Farnen Foley

Ford Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Luetkenhaus

Marble May 108 McBride McClelland McKenna

Merideth Miller Monaco Murphy Murray

Myers Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Riley Rizzo Robirds Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37



Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 011

Barnett Bartelsmeyer Blunt Foster Hartzler 124  
Hohulin Lograsso Loudon Naeger Ross  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Cierpiot Crump Elliott Fitzwater Graham 106  
Harlan Luetkemeyer Mays 50 McLuckie Pryor  
Ridgeway

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SB 362**, relating to massage therapy, was taken up by Representative Barry.

On motion of Representative Barry, **SB 362** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 24  
Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reinhart Relford Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Crump Elliott Graham 106 Harlan Luetkemeyer

McLuckie Pryor Reid Reynolds Sallee

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Ladd Stokan, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

**SB 197**, relating to Kansas City police and civilian retirement, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **SB 197** was truly agreed to and finally passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Elliott Graham 106 Harlan Kelly 27 Luetkemeyer

McLuckie Pryor Reid

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Davis (122) moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**SCS SB 412**, relating to campaign finance reports, was taken up by Representative Days.

Representative Days moved that **SCS SB 412** be truly agreed to and finally passed.

Which motion was defeated by the following vote:

AYES: 076

Auer Backer Barry 100 Berkowitz Blunt

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro Graham 24 Griesheimer Gunn Hagan-Harrell

Hampton Harlan Hendrickson Hilgemann Hollingsworth

Hoppe Hosmer Kennedy Kissell Kreider

Lakin Leake Liese Long Luetkenhaus

May 108 Mays 50 McBride McKenna Merideth

Monaco Murray Overschmidt Parker Ransdall

Relford Riley Rizzo Scheve Seigfreid

Selby Shelton Skaggs Smith Stokan

Thompson 37 Thompson 72 Troupe Tudor Van Zandt

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 079

Abel Akin Alter Ballard Barnett

Bartelsmeyer Bartle Bennett Berkstresser Black

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Enz Evans Foster



Froelker Gaskill George Gibbons Green  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hickey Hohulin Holand Howerton Kasten  
Kelley 47 Kelly 27 King Klindt Koller  
Lawson Legan Levin Linton Lograsso  
Loudon Luetkemeyer Marble McClelland Miller  
Murphy Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Patek Pouche Purgason  
Reid Reinhart Reynolds Richardson Ridgeway  
Robirds Ross Sallee Schilling Schwab  
Scott Secrest Shields Summers Townley  
Treadway Vogel Wagner Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Elliott Graham 106 Gratz McLuckie Pryor  
Surface

VACANCIES: 002

**HCS#2 SB 25**, relating to sudden infant death, was taken up by Representative Carter.

On motion of Representative Carter, **HCS#2 SB 25** was adopted.

On motion of Representative Carter, **HCS#2 SB 25** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Elliott Graham 106 Harlan Hilgemann McLuckie  
Ostmann Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Wagner moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

**SB 435**, relating to conveyance, was taken up by Representative Crump.

On motion of Representative Crump, **SB 435** was truly agreed to and finally passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Purgason Ransdall  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Summers Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Reid

PRESENT: 000

ABSENT WITH LEAVE: 013

Boucher Burton Crawford Elliott Franklin  
Graham 106 Harlan Lograsso McLuckie Pryor  
Ross Shields Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**SB 401**, relating to land surveys, was placed on the Informal Calendar.

**SB 357, with House Committee Amendment No. 1**, relating to conveyance in Babler State Park, was taken up by Representative Linton.

On motion of Representative Linton, **House Committee Amendment No. 1** was adopted.

On motion of Representative Linton, **SB 357, as amended**, was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Daniel Davis 122 Davis 63 Days

Dolan Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid



Selby Shelton Skaggs Smith Stokan

Summers Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Abel Bray 84 Burton Crump Dougherty

Elliott Graham 106 Harlan Kissell Long

McLuckie Pryor Shields Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 244**, relating to psychologists, was taken up by Representative Treadway.

On motion of Representative Treadway, **SCS SB 244** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton Elliott Graham 106 Harlan Lawson  
Luetkemeyer McLuckie Pryor Shields Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**SB 207**, relating to multijurisdictional enforcement group, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **SB 207** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Daniel Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Skaggs Smith Stokan Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Burton Crump Elliott Graham 106 Harlan  
Lawson Luetkemeyer McLuckie Pryor Shields  
Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Seigfreid, title to the bill was agreed to.

Representative Riback Wilson moved that the vote by which the bill passed be reconsidered.

Representative Williams (159) moved that motion lay on the table.

The latter motion prevailed.

**SB 352**, relating to conservation license plate, was taken up by Representative Koller.

On motion of Representative Koller, **SB 352** was truly agreed to and finally passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 McBride McClelland McKenna

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Skaggs Smith Stokan Thompson 37

Thompson 72 Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121



Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 011

Burton Elliott Graham 106 Harlan Lograsso

Mays 50 McLuckie Pryor Shields Summers

Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

**SB 277**, relating to state park funds, was placed on the Informal Calendar.

**SB 434**, relating to conveyance and annexation, was taken up by Representative Linton.

On motion of Representative Linton, **SB 434** was truly agreed to and finally passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill Gibbons Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller  
Kreider Lakin Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McClelland McKenna Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Burton Crump Elliott George Graham 106  
Harlan Hilgemann Lawson McBride McLuckie  
Murphy Pryor Sallee Shields Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Luetkenhaus moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**SB 81**, relating to liquor control, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **SB 81** was truly agreed to and finally passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer  
Ballard Bartelsmeyer Bennett Berkowitz Berkstresser  
Black Blunt Boatright Bonner Boucher  
Boykins Bray 84 Britt Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 005

Barnett Bartle Hartzler 124 Schilling Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100 Burton Crump Elliott Graham 106

Harlan Levin McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Thompson (72), title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**SB 139**, relating to county treasurers, was taken up by Representative Sallee.

On motion of Representative Sallee, **SB 139** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Skaggs Smith Stokan Summers



Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton Campbell Elliott Graham 106 Harlan

Kelly 27 McLuckie Pryor Shields Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Mays (50), title to the bill was agreed to.

Representative Abel moved that the vote by which the bill passed be reconsidered.

Representative Auer moved that motion lay on the table.

The latter motion prevailed.

**SB 12**, relating to handicapped rights, was taken up by Representative Long.

On motion of Representative Long, **SB 12** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 24

Gratz Green Griesheimer Gross Gunn

Hampton Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton Elliott Graham 106 Hagan-Harrell Hanaway  
Harlan Kelly 27 McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 90**, relating to fourth class cities, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **SCS SB 90** was truly agreed to and finally passed by the following vote:

AYES: 141

Abel Akin Alter Auer Barry 100  
Bartelsmeyer Bennett Berkowitz Black Blunt

Boatright Bonner Boucher Boykins Britt  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 37 Thompson 72 Townley Treadway  
Troupe Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 008

Ballard Barnett Bartle Crawford Holand  
Purgason Reid Tudor

PRESENT: 000

ABSENT WITH LEAVE: 012

Backer Berkstresser Bray 84 Burton Crump  
Elliott Graham 106 Harlan Hohulin McLuckie  
Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative George moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**SB 220**, relating to county bid requirements, was taken up by Representative Smith.

On motion of Representative Smith, **SB 220** was truly agreed to and finally passed by the following vote:

AYES: 141

Akin Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Champion Chrismer Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro George Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hartzler 123 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reinhart Relford

Reynolds Richardson Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright



Mr. Speaker

NOES: 004

Cierpiot Hartzler 124 Reid Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 016

Abel Backer Burton Elliott Gaskill

Gibbons Graham 106 Hanaway Harlan Hohulin

Kelly 27 Kennedy McLuckie Myers Pryor

Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative McKenna, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**SB 153**, relating to cemeteries, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **SB 153** was truly agreed to and finally passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton Elliott Graham 106 Harlan Hohulin  
McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Williams (121), title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 391**, relating to wine manufacturers' license, was taken up by Representative Williams (159).

On motion of Representative Williams (159), **SCS SB 391** was truly agreed to and finally passed by the following vote:

AYES: 144

Abel Akin Alter Auer Barry 100  
Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84  
Britt Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 008

Ballard Barnett Bartelsmeyer Bartle Hartzler 124  
Kelley 47 Reid Schilling

PRESENT: 000

ABSENT WITH LEAVE: 009

Backer Burton Elliott Graham 106 Harlan  
Hohulin McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 423**, relating to grain dealers, was taken up by Representative Legan.

On motion of Representative Legan, **SCS SB 423** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Thompson 37 Thompson 72 Townley



Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 001

Treadway

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Burton Elliott Graham 106 Harlan

McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Berkowitz moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**SB 115, with House Committee Amendment No. 1**, relating to licensing of motor vehicles, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **House Committee Amendment No. 1** was adopted.

On motion of Representative Ransdall, **SB 115, as amended**, was read the third time and finally passed by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Champion Chrismer Cierpiot Clayton Crawford

Crump Davis 122 Davis 63 Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Lograsso Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wright Mr. Speaker

NOES: 009

Bray 84 Campbell Carter Daniel Days  
Kelly 27 Schilling Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton Elliott Gibbons Graham 106 Harlan  
Linton Long McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Wagner, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative George moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 159, with House Committee Amendment No. 1**, relating to tax credits for charitable contributions, was taken up by Representative Barry.

On motion of Representative Barry, **House Committee Amendment No. 1** was adopted.

On motion of Representative Barry, **SCS SB 159, as amended**, was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Graham 24 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Leake Legan Levin

Liese Lograsso Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Thompson 37 Thompson 72 Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 002

Murphy Townley

PRESENT: 000

ABSENT WITH LEAVE: 013

Burton Elliott Gibbons Graham 106 Green

Harlan Hartzler 123 Lawson Linton Long

McLuckie Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 214**, relating to third and fourth class cities, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, **HCS SB 214** was adopted.

On motion of Representative Griesheimer, **HCS SB 214** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McClelland McKenna Merideth Miller

Monaco Murphy Murray Myers Naeger



Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Burton Elliott Fitzwater Graham 106 Harlan  
Linton Long McBride McLuckie Pryor  
Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 170**, relating to condominium property, was placed on the Informal Calendar.

**HCS SB 34**, relating to public records, was taken up by Representative Lawson.

On motion of Representative Lawson, **HCS SB 34** was adopted.

On motion of Representative Lawson, **HCS SB 34** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 24 Gratz  
Green Griesheimer Gunn Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Lograsso Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Summers Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Gross

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard Burton Elliott Graham 106 Harlan  
Linton Long McLuckie Miller Pryor  
Robirds Shields Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boykins, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 270**, relating to funeral processions, was taken up by Representative Kissell.

On motion of Representative Kissell, **HCS SB 270** was adopted.

On motion of Representative Kissell, **HCS SB 270** was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Gratz Griesheimer

Gross Gunn Hagan-Harrell Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wright Mr. Speaker

NOES: 002

Graham 24 Wilson

PRESENT: 001

Farnen

ABSENT WITH LEAVE: 013

Burton Elliott Graham 106 Green Hampton

Harlan Linton Long McLuckie Merideth

Myers Pryor Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 176**, relating to administrative rules, was taken up by Representative Ridgeway.

On motion of Representative Ridgeway, **SCS SB 176** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King



Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Lograsso Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Burton Elliott Graham 106 Harlan Linton  
Long McLuckie Myers Pryor Purgason  
Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

#### **PERFECTION OF HOUSE BILL - INFORMAL CALENDAR**

**HCS HBs 351 & 295, with HS, as amended, pending**, relating to pharmaceutical tax credit, was taken up and placed back on the Informal Calendar.

#### **COMMITTEE REPORTS**

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1, 2 & 3.**

*House Committee Amendment No. 1*

AMEND House Bill No. 19, Page 3, Section 19.016, Line 9, by adding after said line one new section to read as follows:

"Section 19.017. To the Department of Revenue

For the purpose of funding the State's share of the costs and expenses

incurred pursuant to an approved assessment and equalization

maintenance plan as provided by Chapter 137, RSMo

Representing expenditures originally authorized under the provisions of

House Bill Section 4.045, an Act of the 89th General Assembly, Second Regular Session

From General Revenue Fund \$191,394

*House Committee Amendment No. 2*

AMEND House Bill No. 19, Page 28, Section 19.168, Line 7, by deleting the figure "\$2,535,000" and inserting in lieu thereof the figure "\$2,619,362"; and

Further amend said section, line 8, by deleting the figure "\$7,540,000" and inserting in lieu thereof the figure "\$8,586,000"; and

Further amend said section, line 9, by deleting the figure "\$10,075,000" and inserting in lieu thereof the figure "\$11,205,362".

*House Committee Amendment No. 3*

AMEND House Bill No. 19, Page 25, Section 19.148, Line 9, by deleting the figure "230,000" and inserting in lieu thereof the figure "239,000"; and

Further amend said section, line 10, by deleting the figure "\$396,783" and inserting in lieu thereof the figure "\$405,783".

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SS SB 309**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SS#2 SB 163**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCR 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

House Committee Substitute

for

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet legal minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code will be finalized in September, 1999, in St. Louis; and

WHEREAS, the International Building Code will be published in April, 2000; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby create the Governor's commission for the review and formulation of building code implementation for areas that have not adopted a building code or are currently prohibited from adopting a building code

BE IT FURTHER RESOLVED that the members shall consist of two state senators appointed by the President Pro Tem of the Senate representing each political party, two representatives appointed by the Speaker of the House of Representatives representing each political party, the Attorney General or his designee, the Director of the Department of Public Safety or his designee, the Director of the Department of Natural Resources or his designee, the director of the Division of Design & Construction or his designee, and fourteen citizen members appointed by the Governor and qualified to serve, each representing at least one of the following areas: commissioner of a county of the third classification; registered architect; registered engineer engaged in building and construction; building official - urban; building official - small jurisdiction; fire protection district representative; Governor's Office for Employment of the Disabled; Seismic Safety Commission; Manufactured Housing Commission; general contractor; one commercial contractor-urban, one commercial contractor-rural, two home builders-urban, two home builders-rural; building/construction trades-urban; building/construction trades-rural; and the insurance industry; and

BE IT FURTHER RESOLVED that the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Governor shall appoint the members of the commission by June 1, 1999, and such commission shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED that the commission may solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make appropriate recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission is charged with developing and recommending the following: an administrative framework and funding method for a state building construction code; a complete package of construction codes that specifically excludes any zoning, land use or planning responsibility; a complete package of construction codes that specifically exempts all nonindustrial farm structures and residences; and methods for training and certifying code enforcers; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by December 1, 1999, and then shall be dissolved May 31, 2000; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the office of administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of

this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 394**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 36**, introduced by Representatives Boucher and Reynolds, et al, relating to the deployment of United States Armed forces to Kosovo region in Yugoslavia.

#### **INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and copies ordered printed:

**HB 1063**, introduced by Representative Farnen, relating to the duties of the governor.

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 248**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 248, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 248;
2. That the House recede from its position on House Bill No. 248;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Don Kissell /s/ John E. Scott

/s/ Dana Murray /s/ James Mathewson

/s/ Mark Hampton /s/ Stephen M. Stoll

/s/ Carson Ross /s/ Morris Westfall

/s/ Rex Barnett /s/ Walt Mueller

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 857**.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SB 291, as amended**: Senators Caskey, Quick, Mathewson, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 28** and has taken up and passed **SB 28, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 278** and has taken up and passed **HCS SB 278**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 410** and has taken up and passed **HCS SB 410**.

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 4:00 p.m., Monday, April 26, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-sixth Day, Wednesday, April 21, 1999, page 1415, line 11, by inserting after said line the following:

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 54**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 192**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 192, Page 1, Line 2 of the Title, by inserting after the word "food" the words "and to income tax paid to another state"; and

Further amend said bill, Page 1, Section A, Line 2 by inserting after said line the following:

"143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a credit against the tax otherwise due under sections 143.005 to 143.998 for the amount of any income tax imposed on him for the taxable year by another state of the United States (or a political subdivision thereof) or the District of Columbia on income derived from sources therein and which is also subject to tax under sections 143.005 to 143.998. **Beginning January 1, 2000, solely for purposes of this subsection, the phrase "income tax imposed" shall include any income tax credit allowed by such other state or the District of Columbia the basis for which is a charitable contribution which qualifies as a charitable deduction from income pursuant to the Internal Revenue Code of 1986, as amended.**

2. The credit provided under this section shall not exceed an amount which bears the same ratio to the tax otherwise due under sections 143.005 to 143.998 as the amount of the taxpayer's Missouri adjusted gross income derived from sources in the other taxing jurisdiction bears to his Missouri adjusted gross income derived from all sources. In applying the limitation of the previous sentence to an estate or trust, Missouri taxable income shall be substituted for Missouri adjusted gross income. If the tax of more than one other taxing jurisdiction is imposed on the same item of income, the credit shall not exceed the limitation that would result if the taxes of all the other jurisdictions applicable to the item were deemed to be of a single jurisdiction.

3. For the purposes of this section, in the case of an S corporation, each resident S shareholder shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by

the S corporation to a state which does not measure the income of shareholders on an S corporation by reference to the income of the S corporation or where a composite return and composite payments are made in such state on behalf of the S shareholders by the S corporation."; and

Further amend the title and enacting clause accordingly.

Page 1413, by inserting after line 20, the following:

#### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

##### **HCS HB 599 - Fiscal Review (Fiscal Note)**

Pages 1380 and 1381, roll call, by showing Representatives Gross, Howerton and Luetkenhaus voting "aye" rather than "absent with leave".

Page 1388, roll call, by showing Representatives Barry and Hilgemann voting "aye" rather than "absent with leave".

Page 1389, roll call, by showing Representatives Kasten and Robirds voting "aye" rather than "absent with leave".

Page 1390, roll call, by showing Representative Kasten voting "aye" rather than "absent with leave".

Page 1391, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Page 1392, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Page 1394, roll call, by showing Representatives Hosmer, Myers and Williams (159) voting "aye" rather than "absent with leave".

Page 1395, roll call, by showing Representative Crump voting "aye" rather than "absent with leave".

Page 1396, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Page 1398, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Page 1399, roll call, by showing Representative Crawford voting "aye" rather than "absent with leave".

Pages 1400 and 1401, roll call, by showing Representatives Berkstresser, Crawford and Murphy voting "aye" rather than "absent with leave".

Pages 1403 and 1404, roll call, by showing Representatives Berkstresser, Franklin, Liese and Murphy voting "aye" rather than "absent with leave".

Pages 1404 and 1405, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Page 1405, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".

Pages 1405 and 1406, roll call, by showing Representatives Berkstresser and Liese voting "aye" rather than "absent with leave".

Pages 1406 and 1407, roll call, by showing Representatives Levin, Liese and Sallee voting "aye" rather than "absent with leave".

Page 1408, roll call, by showing Representative Kreider voting "aye" rather than "no".

Pages 1408 and 1409, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 1408 and 1409, roll call, by showing Representatives Black and Liese voting "no" rather than "absent with leave".

Pages 1409 and 1410, roll call, by showing Representatives Black and Liese voting "aye" rather than "absent with leave".

Pages 1412 and 1413, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

Pages 1412 and 1413, roll call, by showing Representatives Hosmer, Kreider and Reynolds voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, April 27, 1999, 8:30 am. Hearing Room 7. Executive session.

To be considered - SB 22

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Monday, April 26, 1999, 1:00 pm. Senate Committee Rooms 2 and 3.

House Bills 2 through 12. Hearing will resume at 8:00pm

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 27, 1999, 8:00 am. Senate Committee Rooms 2 and 3.

House Bills 2 through 12. Hearing will resume at 8:00pm.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Wednesday, April 28, 1999, 8:00 am. Senate Committee Rooms 2 and 2.

House Bills 2 through 12. Hearing will resume at 8:00pm

### **CRIMINAL LAW**

Tuesday, April 27, 1999, 9:00 am. Hearing Room 6. Executive session.

To be considered - SB 335

### **CRIMINAL LAW**

Wednesday, April 28, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 94, SB 328, SB 371

### **CRITICAL ISSUES**

Monday, April 26, 1999, 8:00 pm. Hearing Room 6. Executive session will follow.

To be considered - SB 125, SB 215, SCR 12, SCR 18

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, April 27, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 126, HB 980, HB 1018, SB 233

## ELECTIONS

Tuesday, April 27, 1999, 8:30 am. Hearing Room 8. Possible executive session.

To be considered - SB 455, SCR 17

## JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Monday, April 26, 1999, 12:00 pm. Hearing Room 8. Public testimony will be heard.

Joe Driskill will present plans for enterprise zones.

## JUDICIARY

Tuesday, April 27, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - SB 89, SB 441

## MISCELLANEOUS BILLS AND RESOLUTIONS

Tuesday, April 27, 1999, 9:00 am. Hearing Room 9. Possible executive session.

To be considered - SB 373, SCR 13

## MISSOURI TOBACCO SETTLEMENT

Monday, April 26, 1999. Northeast side gallery upon adjournment.

Executive session.

## PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 27, 1999, 9:00 am. Hearing Room 5.

To be considered - HB 733, Executive Session - SB 451

## STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, April 28, 1999, 9:30 am. Hearing Room 1.

To be considered - SCR 15

## HOUSE CALENDAR

FIFTY-EIGHTH DAY, MONDAY, APRIL 26, 1999

## HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 36

## HOUSE BILL FOR SECOND READING

HB 1063

## HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)



#### **HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 18 - Franklin
- 2 HB 15, HCAs 1 & 2 - Franklin
- 3 HB 16, HCA 1 - Franklin
- 4 HB 19, HCAs 1,2 & 3 - Franklin

#### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 769, as amended, HA 2, pending - Bray
- 2 HCS HB 934 - Treadway
- 3 HCS HB 456 - Fitzwater
- 4 HB 856 - Ford
- 5 HCS HB 640 - Campbell
- 6 HCS HB 354 - Barry
- 7 HCS HB 709 - Leake
- 8 HB 844 - Gratz
- 9 HB 519 - Relford
- 10 HCS HB 535 - May (108)
- 11 HB 406 - Mays (50)
- 12 HB 146, HCA 1 - Wiggins
- 13 HB 787 - Wiggins
- 14 HB 59, HCA 1 - Boucher
- 15 HB 699, HCA 1 - Kreider
- 16 HCS HB 142 - Campbell
- 17 HCS HB 488, 206 & 357 - May (108)
- 18 HB 85 - Troupe
- 19 HCS HB 200 - Troupe
- 20 HCS HB 89 - Troupe
- 21 HB 717 - Harlan
- 22 HCS HB 160 - O'Toole
- 23 HCS HB 730 - Leake
- 24 HCS HB 194 - Reynolds
- 25 HCS HB 908 - McBride
- 26 HB 105 - Scheve

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 643, 710 & 711 - Bray

3 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

#### **HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

#### **HOUSE BILL FOR THIRD READING - CONSENT**

HB 691 - Miller

#### **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 14, HCA 1 (3-10-99, pg. 759) - Skaggs

2 HCS SCR 2, (3-29-99, pg. 930) - May (50)

3 SCR 11, (2-10-99, pg. 347) - Johnson

4 SCR 10, (2-9-99, pg. 330) - Bonner

#### **SENATE JOINT RESOLUTION FOR THIRD READING**

SJR 25

#### **SENATE BILLS FOR THIRD READING - CONSENT - INFORMAL**

1 SB 401 - McBride

2 SB 277 - Wagner

3 HCS SCS SB 170 - Pryor

#### **SENATE BILLS FOR THIRD READING**

1 HCS SB 276, E.C. - Smith

2 SB 348 - Thompson (37)

3 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)

4 HCS SB 219 - Bray

5 SB 7 - Boykins

6 SB 310, (Fiscal Review 4-21-99) - Leake

7 HCS SB 33 - Farnen

8 SS SCS SB 467 - Clayton

9 HCS SCS SB 436 - Hoppe

10 SS SB 309

11 SB 294 - Koller

12 HCS SCS SB 308 & 314 - Skaggs

13 SB 403

## **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 721 - Barry
- 2 HB 893, SCA 1 - Murray
- 3 SCS HB 39, E.C. - Dougherty
- 4 HB 34, SCA 1 - Auer
- 5 SCS HB 476 - Hegeman
- 6 SCS HB 789 - Berkstresser
- 7 HB 708, SA 1 - Merideth

## **BILLS IN CONFERENCE**

- 1 SCS HCS HB 2 - Lakin
- 2 SCS HCS HB 3 - Lakin
- 3 SCS HCS HB 4, as amended, - Green
- 4 SCS HCS HB 5, as amended, - Green
- 5 SCS HCS HB 6, as amended, - Franklin
- 6 SCS HCS HB 7 - Franklin
- 7 SCS HCS HB 8 - Lakin
- 8 SCS HCS HB 9 - Franklin
- 9 SCS HCS HB 10, as amended, - Carter
- 10 SCS HCS HB 11, as amended, - Troupe
- 11 SCS HCS HB 12 - Green
- 12 SCS HCS HB 348 - Smith
- 13 CCR SCS HB 248 - Kissell
- 14 HS HCS SB 291, as amended, E.C. - Dougherty

## **HOUSE RESOLUTION**

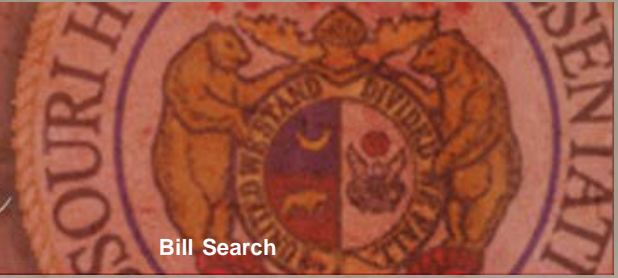
- HR 502, (4-7-99, pg. 1093) - Luetkenhaus



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-EIGHTH DAY, Monday, April 26, 1999

Speaker Gaw in the Chair.

Prayer by Representative Denny Merideth.

Let us pray;

O Lord, in this time of great sorrow and mounting troubles, we ask that You help us to be a positive force for all that surround us. A force that leads with encouragement and lays the foundation for hope. A force that is just and fair. A force that does not just react, but one that leads by example and deed. So stir us with compassion, raise our standards higher, take away our lust for power, and instill in us a desire to be a shining symbol of all that is great and good. In these things we humbly ask that You grant us the wisdom to seek Your guidance and the strength to follow it. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Michael Barnard and Sam Monsees.

The Journal of the fifty-seventh day was approved as corrected by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hartzler 123 Hartzler 124 Hegeman Hendrickson



Hickey Holand Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Williams 159 Wilson Mr. Speaker

NOES: 005

Blunt Hanaway Hohulin Patek Wright

PRESENT: 001

Reid

ABSENT WITH LEAVE: 010

Bartelsmeyer Bray 84 Franklin Harlan Hilgemann  
Hoppe Secrest Thompson 37 Wiggins Williams 121

VACANCIES: 002

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1017 - Representative Hollingsworth  
House Resolution No. 1018 - Representative Vogel  
House Resolution No. 1019 through House Resolution No. 1021 - Representative Ridgeway  
House Resolution No. 1022 - Representative Ward  
House Resolution No. 1023 - Representative Relford  
House Resolution No. 1024 - Representative Ward  
House Resolution No. 1025 - Representative Purgason  
House Resolution No. 1026 - Representative Graham (106)  
House Resolution No. 1027 - Representatives Richardson and Foster

House Resolution No. 1028 - Representative Purgason  
House Resolution No. 1029 - Representative Bray  
House Resolution No. 1030 through House Resolution No. 1035 - Representative Gaw  
House Resolution No. 1036 - Representative Gratz  
House Resolution No. 1037 - Representative Purgason  
House Resolution No. 1038 through House Resolution No. 1040 - Representatives Ross and Lograsso  
House Resolution No. 1041 - Representative Relford  
House Resolution No. 1042 through House Resolution No. 1044 - Representative Hartzler (124)  
House Resolution No. 1045 and House Resolution No. 1046 - Representative Pryor

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 36** was read the second time.

#### **SECOND READING OF HOUSE BILL**

**HB 1063** was read the second time.

#### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 826**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 893, with Senate Committee Amendment No. 1**, relating to "911 Day", was taken up by Representative Murray.

On motion of Representative Murray, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 135

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Enz Evans Farnen

Fitzwater Ford Foster Franklin Fraser

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hohulin  
Holand Hollingsworth Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Koller Kreider Lakin Lawson Leake  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Ransdall Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Williams 159 Wilson Wright Mr. Speaker

NOES: 012

Bartle Champion Elliott Froelker Klindt  
Marble Myers Pouche Pryor Purgason  
Surface Townley

PRESENT: 001

Reid

ABSENT WITH LEAVE: 013

Auer Bartelsmeyer Foley Harlan Hilgemann  
Hoppe Legan Murphy Schwab Secrest  
Thompson 37 Wiggins Williams 121

VACANCIES: 002

On motion of Representative Murray, **HB 893, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 128

Abel Akin Alter Backer Barnett  
Barry 100 Bennett Berkowitz Berkstresser Black

Blunt Boatright Bonner Boucher Boykins  
Britt Burton Campbell Carter Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Holand Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Loudon Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Ransdall Reinhart Relford Reynolds  
Ridgeway Riley Rizzo Ross Sallee  
Scheve Schilling Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 72 Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 159  
Wilson Wright Mr. Speaker

NOES: 021

Ballard Bartle Champion Elliott Foster  
Froelker Gibbons Hohulin Klindt Linton  
Luetkemeyer Marble Murphy Myers Pouche  
Pryor Purgason Richardson Robirds Surface  
Townley

PRESENT: 001

Reid

ABSENT WITH LEAVE: 011

Auer Bartelsmeyer Bray 84 Harlan Hilgemann  
Hoppe Schwab Secrest Thompson 37 Wiggins  
Williams 121



VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 39**, relating to inspections for lead hazards, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **SCS HB 39** was adopted by the following vote:

AYES: 133

Abel Akin Alter Backer Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Blunt Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Enz Evans Farnen

Fitzwater Foley Ford Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hegeman Hendrickson Hickey Holand

Hollingsworth Hosmer Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Long Loudon Luetkenhaus

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Riley Rizzo Ross Saltee Scheve

Schilling Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Williams 159

Wilson Wright Mr. Speaker

NOES: 015

Ballard Boatright Elliott Foster Hartzler 124

Hohulin Howerton Linton Lograsso Luetkemeyer

Marble Patek Ridgeway Robirds Townley

PRESENT: 001

Reid

ABSENT WITH LEAVE: 012

Auer Bartelsmeyer Harlan Hilgemann Hoppe

Murphy Myers Schwab Secrest Thompson 37

Wiggins Williams 121

VACANCIES: 002

On motion of Representative Dougherty, **SCS HB 39** was truly agreed to and finally passed by the following vote:

AYES: 127

Abel Akin Alter Backer Barnett

Barry 100 Bennett Berkowitz Berkstresser Black

Blunt Bonner Boucher Boykins Britt

Campbell Carter Champion Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Ford Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hegeman Hendrickson Hickey Holand

Hollingsworth Hosmer Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Kreider

Lakin Lawson Leake Legan Levin

Liese Long Loudon Luetkenhaus May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Riley

Rizzo Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Summers Surface  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Williams 159 Wilson  
Wright Mr. Speaker

NOES: 021

Ballard Bartle Boatright Burton Chrismer  
Elliott Foster Hartzler 124 Hohulin Howerton  
Koller Linton Lograsso Luetkemeyer Marble  
Murphy Myers Patek Ridgeway Robirds  
Townley

PRESENT: 001

Reid

ABSENT WITH LEAVE: 012

Auer Bartelsmeyer Bray 84 Franklin Harlan  
Hilgemann Hoppe Secrest Stokan Thompson 37  
Wiggins Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 128

Abel Alter Backer Barnett Barry 100  
Bennett Berkowitz Berkstresser Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Champion Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Enz Evans Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hosmer Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Kreider Lakin Lawson Leake

Legan Levin Liese Long Loudon  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Ransdall Reid Reinhart Relford Reynolds  
Ridgeway Riley Rizzo Ross Sallee  
Scheve Schilling Schwab Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Thompson 37 Thompson 72 Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 159  
Wilson Wright Mr. Speaker

NOES: 027

Akin Ballard Bartle Boatright Burton  
Chrismer Cierpiot Elliott Foster Froelker  
Hohulin Howerton Koller Linton Lograsso  
Luetkemeyer Marble Patek Pouche Pryor  
Purgason Richardson Robirds Scott Summers  
Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 006

Auer Bartelsmeyer Hoppe Secrest Wiggins  
Williams 121

VACANCIES: 002

On motion of Representative Treadway, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 721**, relating to treatment of tuberculosis, was taken up by Representative Barry.

On motion of Representative Barry, **SCS HB 721** was adopted by the following vote:

AYES: 151

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bennett Berkowitz Berkstresser



Black Blunt Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hosmer Howerton Kasten  
Kelley 47 Kelly 27 King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Bartle Hoppe Kennedy

Linton Secrest Thompson 37 Williams 121

VACANCIES: 002

On motion of Representative Barry, **SCS HB 721** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Ballard Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 159 Wilson

Wright Mr. Speaker

NOES: 002

Backer Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Bartelsmeyer Fraser Hoppe Secrest

Stokan Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Luetkenhaus moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 476**, relating to fourth class cities, was taken up by Representative Hegeman.

On motion of Representative Hegeman, **SCS HB 476** was adopted by the following vote:

AYES: 138

Abel Akin Alter Backer Barry 100

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Gratz

Green Griesheimer Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hollingsworth Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkemeyer Luetkenhaus

May 108 Mays 50 McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 159  
Wilson Wright Mr. Speaker

NOES: 015

Ballard Barnett Bartle Bennett Elliott  
Graham 24 Gross Hohulin Holand Lakin  
Lograsso Marble McBride Patek Surface

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Bartelsmeyer Franklin Hoppe Secrest  
Stokan Wiggins Williams 121

VACANCIES: 002

On motion of Representative Hegeman, **SCS HB 476** was truly agreed to and finally passed by the following vote:

AYES: 135

Abel Akin Alter Backer Barry 100  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Daniel Davis 122  
Davis 63 Days Dougherty Enz Evans  
Farnen Fitzwater Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hollingsworth Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lawson  
Leake Legan Levin Liese Long  
Loudon Luetkemeyer Luetkenhaus May 108 Mays 50  
McClelland McKenna McLuckie Merideth Miller



Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Williams 159 Wilson Wright Mr. Speaker

NOES: 014

Ballard Barnett Bartle Bennett Elliott  
Graham 24 Hohulin Holand Lakin Lograsso  
Marble McBride Patek Surface

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bartelsmeyer Crump Dolan Foley  
Hoppe Linton Ross Secrest Stokan  
Wiggins Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hilgemann, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 789**, relating to an audit of a political subdivision, was taken up by Representative Berkstresser.

Representative Berkstresser moved that the House refuse to adopt **SCS HB 789** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HB 708, with Senate Amendment No. 1**, relating to ownership of agricultural land, was taken up by Representative Merideth.

On motion of Representative Merideth, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 150

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Troupe Tudor Van Zandt Vogel Wagner

Ward Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Selby Treadway

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Bray 84 Dolan Hoppe  
Secrest Thompson 37 Wiggins Williams 121

VACANCIES: 002

On motion of Representative Merideth, **HB 708, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 143

Abel Akin Alter Ballard Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Blunt Boatright Bonner Boucher Boykins  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hosmer Howerton  
Kelley 47 Kelly 27 King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 72 Townley Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 159  
Wilson Wright Mr. Speaker

NOES: 002

Selby Treadway

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Backer Bartelsmeyer Black Bray 84

Crump Dolan Harlan Hoppe Kasten

Kennedy Secrest Stokan Thompson 37 Wiggins

Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

#### PERFECTION OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 18**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 18, Page 3, Section 18.064, Line 3, by adding after the word "arts" on said line the following:

. Local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds and no state funds shall be expended until resolution of any lawsuit relating to local funds.; and

Further amend said bill, page 3, section 18.064, line 4, by deleting the numeral \$3,847,098 and inserting in lieu thereof the numeral \$1,847,098; and

Further amend said bill, page 3, section 18.064, line 5, by deleting the numeral 752,902 and inserting in lieu thereof the numeral 2,752,902; and

Further amend said bill, page 8, section 18.155, by adding after said section one new section to read as follows:

Section 18.156. To the Department of Economic Development

For the Division of Tourism

For the Design, renovation and construction of the Truman Memorial Building in Independence.

From General Revenue Fund \$2,000,000

Representative Abel offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*



to

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 18, Page 1, Section 18.064, Line 3, by inserting after the word "lawsuit," the following: **filed before April 26, 1999**

On motion of Representative Abel, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Franklin, **House Amendment No. 1, as amended**, was adopted.

Representative Franklin offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 18, Page 3, Section 18.060, Line 4, by deleting the numeral \$7,583,486 on said line and inserting in lieu thereof the numeral \$7,383,486; and

Further amend said bill, page 3, section 18.060, line 6, by deleting on said line the numeral \$12,250,000 and inserting in lieu thereof the numeral \$12,050,000; and

Further amend said bill, page 3, section 18.055, by adding after said section one new section to read as follows:

Section 18.056. To the University of Missouri

For the Design, renovation, and construction to the McKee Gymnasium Building

on the Columbia Campus

From General Revenue Fund \$200,000

On motion of Representative Franklin, **House Amendment No. 2** was adopted by the following vote:

AYES: 107

Abel Alter Backer Barry 100 Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dougherty Evans Farnen Fitzwater Foley

Ford Franklin Fraser Gambaro Gaskill

George Gibbons Graham 106 Gratz Green

Griesheimer Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hegeman Hickey Hilgemann

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Loudon Luetkenhaus May 108 McClelland McKenna

McLuckie Merideth Monaco Murray Myers

Nordwald O'Connor O'Toole Overschmidt Pouche

Reinhart Relford Reynolds Riley Rizzo  
Ross Sallee Scheve Schwab Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 72 Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 159  
Wilson Mr. Speaker

NOES: 045

Akin Ballard Barnett Blunt Burton  
Champion Chrismer Dolan Elliott Enz  
Foster Froelker Graham 24 Gross Hanaway  
Hendrickson Hohulin Holand Kennedy King  
Klindt Linton Luetkemeyer Marble McBride  
Miller Murphy Naeger Ostmann Parker  
Patek Pryor Purgason Ransdall Reid  
Richardson Ridgeway Robirds Schilling Scott  
Seigfreid Surface Townley Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Hoppe Lograsso Long  
Mays 50 Secrest Thompson 37 Williams 121

VACANCIES: 002

Representative Bonner offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 18, Page 1, In the Title, Line 3, by inserting after the word "acquisitions" the following: ", and for operating expenses of the Senate and the House of Representatives"; and

Further amend said bill, page 3, section 18.055, by deleting all of said section; and

Further amend said bill, page 15, section 18.345, by adding immediately thereafter two new sections to read as follows:

Section 18.400. To the Senate

Senate Contingent Expenses

From General Revenue Fund \$1,277,000

Section 18.405 To the House of Representatives

House Contingent Expenses

House Research Staff \$865,000

House Appropriations Committee Staff 412,000

From General Revenue Fund \$1,277,000

On motion of Representative Bonner, **House Amendment No. 3** was adopted.

On motion of Representative Franklin, **HCS HB 18, as amended**, was adopted.

On motion of Representative Franklin, **HCS HB 18, as amended**, was ordered perfected and printed.

**HB 15, with House Committee Amendment Nos. 1 and 2**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **House Committee Amendment No. 1** was adopted.

On motion of Representative Franklin, **House Committee Amendment No. 2** was adopted.

On motion of Representative Franklin, **HB 15, as amended**, was ordered perfected and printed.

**HB 16, with House Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **House Committee Amendment No. 1** was adopted.

On motion of Representative Franklin, **HB 16, as amended**, was ordered perfected and printed.

#### PERFECTION OF HOUSE BILL

**HCS HB 769, as amended, with House Amendment No. 2, pending**, relating to Missouri Equal Pay Act, was taken up by Representative Bray.

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 769, Page 1, Section 1, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

**"(3) "Employer", a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, including the state and all political subdivisions of the state;"**; and

Further amend said Substitute, Page 3, Section 5, Lines 6 and 7, by deleting **"practices, and an additional amount in compensatory or punitive damages, as appropriate;"** and inserting in lieu thereof **"practices;"**; and

Further amend said Substitute, Page 4, Section 5, Line 22, by inserting the following after all of said line:

**"4. (1) In addition to any monetary relief awarded pursuant to subsection 1 of this section, a court or jury may award any affected employee or employees additional amounts in compensatory and punitive damages, as appropriate. Compensatory damages awarded pursuant to this subsection shall not include any monetary relief awarded pursuant to subsection 1 of this section.**

**(2) The sum of the amount of compensatory damages and the amount of punitive damages awarded pursuant to this subsection shall not exceed, for each employee:**

**(A) in the case of an employer who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$50,000;**

**(B) in the case of an employer who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding year, \$100,000;**

**(C) in the case of an employer who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding year, \$200,000; and**

**(D) in the case of an employer who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$300,000."**

On motion of Representative Lograsso, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted by the following vote:

AYES: 079

Akin Alter Ballard Barnett Bartle

Bennett Berkstresser Black Blunt Boatright

Champion Chrismer Cierpiot Crawford Dolan

Elliott Enz Evans Ford Foster

Froelker Gaskill Gibbons Graham 106 Gratz

Griesheimer Gross Hampton Hanaway Hartzler 123

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 King Klindt Legan

Levin Linton Lograsso Loudon Luetkemeyer

Marble Mays 50 McClelland Merideth Miller

Monaco Murphy Myers Naeger Nordwald

Ostmann Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Richardson Ridgeway

Rizzo Robirds Ross Sallee Schwab

Seigfreid Shields Summers Townley Treadway

Tudor Vogel Williams 159 Wright

NOES: 066

Abel Backer Barry 100 Berkowitz Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Clayton Crump Daniel Davis 122

Davis 63 Days Farnen Fitzwater Foley

Franklin Fraser Gambaro George Graham 24

Green Gunn Hagan-Harrell Harlan Hartzler 124

Hickey Hilgemann Hollingsworth Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin



Lawson Luetkenhaus May 108 McBride McKenna  
McLuckie Murray O'Connor O'Toole Parker  
Relford Reynolds Riley Scheve Schilling  
Selby Shelton Skaggs Smith Thompson 72  
Troupe Van Zandt Ward Wiggins Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Bartelsmeyer Burton Dougherty Hoppe  
Leake Liese Long Overschmidt Scott  
Secrest Stokan Surface Thompson 37 Wagner  
Williams 121

VACANCIES: 002

**HCS HB 769, as amended**, was laid over.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 35** - Urban Affairs

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HS HCS HB 826** - Fiscal Review (Fiscal Note)

**HB 1057** - Civil and Administrative Law

**HB 1063** - Critical Issues

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SB 33** - Fiscal Review (Fiscal Note)

**SS#2 SB 70** - Motor Vehicle and Traffic Regulations

**HCS SCS SBs 8 & 173** - Fiscal Review (Fiscal Note)

**SB 294** - Fiscal Review (Fiscal Note)

**HCS SCS SBs 308 & 314** - Fiscal Review (Fiscal Note)

**HCS SCS SB 346** - Fiscal Review (Fiscal Note)

**SCS SB 351** - Retirement

#### **COMMITTEE REPORT**

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCR 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were read the first time and copies ordered printed:

**HCR 37**, introduced by Representative Skaggs, relating to board of public buildings to reassign certain offices.

**HCR 38**, introduced by Representative Liese, relating to Missouri joining the National Council of Legislators from Gaming States.

### COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representative Gross is no longer a member of the Conference Committee on **SCS HCS HB 12**.

Representative Shields has been appointed a member of the Conference Committee on **SCS HCS HB 12**.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 1, 92, 111, 129 & 222**, entitled:

An act to repeal sections 57.130, 88.013, 88.023, 211.453, 211.477, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 304.140, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, relating to jurisdiction and procedures of courts, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with an expiration date for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 248**, entitled:

An act to repeal sections 365.010 and 365.020, RSMo 1994, relating to retail installment contracts, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 374**, entitled:

An act to repeal sections 287.203 and 287.655, RSMo 1994, and sections 287.160 and 287.210, RSMo Supp. 1998, relating to workers' compensation, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 377**, entitled:

An act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one

new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 392, 393 & 267**, entitled:

An act to repeal sections 302.177 and 302.735, RSMo 1994, and sections 136.055, 302.060, 302.130, 302.171, 302.173, 302.181 and 302.309, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 525**, entitled:

An act to amend chapter 313, RSMo, by adding thereto one new section relating to raffles and sweepstakes as authorized by constitutional amendment, with penalty provisions and an emergency clause.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Hoppe.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, April 27, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-seventh Day, Thursday, April 22, 1999, pages 1430 and 1431, roll call, by showing Representative Myers voting "aye" rather than "absent with leave".

Pages 1431 and 1432, roll call, by showing Representative Myers voting "aye" rather than "absent with leave".

Page 1435, roll call, by showing Representatives Murphy and Myers voting "aye" rather than "absent with leave".

Pages 1436 and 1437, roll call, by showing Representative Chrismer voting "aye" rather than "absent with leave".

Pages 1437 and 1438, roll call, by showing Representatives Chrismer and Naeger voting "aye" rather than "absent with leave".

Pages 1438 and 1439, roll call, by showing Representatives Boatright, Crawford, Evans, Miller, Murphy and Naeger voting "aye" rather than "absent with leave".

Pages 1443 and 1444, roll call, by showing Representatives Akin, Barnett and Crump voting "aye" rather than "absent with leave".

Pages 1444 and 1445, roll call, by showing Representatives Crump, Gibbons and Murphy voting "aye" rather than "absent with leave".

Pages 1446 and 1447, roll call, by showing Representatives Akin and Crump voting "aye" rather than "absent with leave".

Pages 1447 and 1448, roll call, by showing Representatives Crump, Kelly (27) and Luetkemeyer voting "aye" rather than "absent with leave".

Pages 1447 and 1448, roll call, by showing Representative Patek voting "no" rather than "absent with leave".

Pages 1448 and 1449, roll call, by showing Representative Crump voting "aye" rather than "absent with leave".

Pages 1448 and 1449, roll call, by showing Representative Ridgeway voting "no" rather than "absent with leave".

Pages 1449 and 1450, roll call, by showing Representatives Crump, Luetkemeyer and Reynolds voting "aye" rather than "absent with leave".

Pages 1450 and 1451, roll call, by showing Representatives Kelly (27) and Luetkemeyer voting "aye" rather than "absent with leave".

Pages 1451 and 1452, roll call, by showing Representative Surface voting "no" rather than "absent with leave".

Page 1452, roll call, by showing Representatives Hilgemann and Surface voting "aye" rather than "absent with leave".

Page 1453, roll call, by showing Representatives Burton, Crawford, Franklin, Ross and Surface voting "aye" rather than "absent with leave".

Page 1454, roll call, by showing Representatives Burton, Crump and Surface voting "aye" rather than "absent with leave".

Page 1455, roll call, by showing Representatives Burton, Luetkemeyer and Surface voting "aye" rather than "absent with leave".

Page 1456, roll call, by showing Representatives Burton, Crump, Luetkemeyer and Surface voting "aye" rather than "absent with leave".

Page 1457, roll call, by showing Representatives Burton, Mays (50), Summers and Surface voting "aye" rather than "absent with leave".

Page 1458, roll call, by showing Representatives Burton, Crump, Hilgemann and Surface voting "aye" rather than "absent with leave".

Page 1459, roll call, by showing Representatives Barnett and Bartle voting "aye" rather than "no".

Page 1459, roll call, by showing Representatives Barry, Burton, Crump, Levin and Surface voting "aye" rather than "absent with leave".

Page 1460, roll call, by showing Representatives Burton, Campbell, Kelly (27) and Surface voting "aye" rather than "absent with leave".

Page 1461, roll call, by showing Representatives Burton and Kelly (27) voting "aye" rather than "absent with leave".

Page 1462, roll call, by showing Representatives Berkstresser, Burton, Crump and Surface voting "aye" rather than "absent with leave".

Page 1463, roll call, by showing Representatives Abel, Burton, Gibbons, Hanaway, Kelly (27), Kennedy, Myers and Surface voting "aye" rather than "absent with leave".

Page 1464, roll call, by showing Representatives Burton and Surface voting "aye" rather than "absent with leave".



Page 1465, roll call, by showing Representatives Burton and Surface voting "aye" rather than "absent with leave".

Page 1466, roll call, by showing Representative Burton voting "aye" rather than "absent with leave".

Pages 1467 and 1468, roll call, by showing Representative Burton voting "aye" rather than "absent with leave".

Pages 1468 and 1469, roll call, by showing Representatives Burton and Gibbons voting "aye" rather than "absent with leave".

Pages 1469 and 1470, roll call, by showing Representative Burton voting "aye" rather than "absent with leave".

Pages 1470 and 1471, roll call, by showing Representatives Burton, Miller and Robirds voting "aye" rather than "absent with leave".

Pages 1471 and 1472, roll call, by showing Representatives Burton, Hampton and Merideth voting "aye" rather than "absent with leave".

Pages 1472 and 1473, roll call, by showing Representatives Burton and Purgason voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BANKS AND FINANCIAL INSTITUTIONS**

Tuesday, April 27, 1999. Side gallery upon evening adjournment. Executive session.

To be considered - SB 386

### **CHILDREN, YOUTH, AND FAMILIES**

Tuesday, April 27, 1999, 8:30 am. Hearing Room 7. Executive session.

To be considered - SB 22

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 27, 1999, 8:00 am. Senate Committee Rooms 2 and 3. House

Bills 2 through 12. Hearing will resume at 8:00 pm.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Wednesday, April 28, 1999, 8:00 am. Senate Committee Rooms 2 and 2. House

Bills 2 through 12. Hearing will resume at 8:00 pm

### **CRIMINAL LAW**

Tuesday, April 27, 1999, 9:00 am. Hearing Room 6. Executive session.

To be considered - SB 335

### **CRIMINAL LAW**

Wednesday, April 28, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 94, SB 328, SB 371

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, April 27, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 126, HB 980, HB 1018, SB 233

#### ELECTIONS

Tuesday, April 27, 1999, 8:30 am. Hearing Room 8. Possible executive session.

To be considered - SB 455, SCR 17

#### FISCAL REVIEW

Wednesday, April 28, 1999, 8:30 am. Hearing Room 6. Executive session.

To be considered - SB 33, SB 294, SB 310

#### JUDICIARY

Tuesday, April 27, 1999. Hearing Room 5 upon morning adjournment.

Executive session may follow.

To be considered - SB 89, SB 441

#### LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 27, 1999. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session.

To be considered - SB 71

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Tuesday, April 27, 1999, 9:00 am. Hearing Room 9. Possible executive session.

To be considered - SB 373, SCR 13

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 27, 1999. Hearing Room 7 upon morning adjournment.

Executive session to follow.

To be considered - SB 70, SB 359

#### PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, April 27, 1999, 9:00 am. Hearing Room 5.

To be considered - HB 733, Executive Session - SB 451

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 27, 1999, 8:00 pm. Hearing Room 5.

To be considered - SB 211, SB 387

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Wednesday, April 28, 1999. Side gallery upon morning adjournment.

Executive session.

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, April 28, 1999, 9:30 am. Hearing Room 1.

To be considered - SCR 15

#### TRANSPORTATION

Wednesday, April 28, 1999, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 19

#### URBAN AFFAIRS

Tuesday, April 27, 1999. Side gallery upon morning adjournment. Executive session may follow.

To be considered - HCR 35

#### WAYS AND MEANS

Tuesday, April 27, 1999, 1:00 pm. Hearing Room 6.

To be considered - Executive Session - HB 871

#### HOUSE CALENDAR

FIFTY-NINTH DAY, TUESDAY, APRIL 27, 1999

#### HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 37 and HCR 38

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

#### HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HB 19, HCAs 1, 2 & 3 - Franklin

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz

9 HB 519 - Relford

10 HCS HB 535 - May (108)

11 HB 406 - Mays (50)

12 HB 146, HCA 1 - Wiggins

13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

**HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo  
2 HS HCS HB 826, (Fiscal Review 4-26-99) - Harlan

**HOUSE BILL FOR THIRD READING - CONSENT**

HB 691 - Miller

**SENATE BILLS FOR SECOND READING**

1 SS SCS SB 1, 92, 111, 129 & 222  
2 SCS SB 248  
3 SCS SB 374  
4 SCS SB 377



5 SCS SB 392, 393 & 267

6 SS SCS SB 525

#### **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 14, HCA 1 (3-10-99, pg. 759) - Skaggs

2 HCS SCR 2, (3-29-99, pg. 930) - Mays (50)

3 SCR 11, (2-10-99, pg. 347) - Johnson

4 SCR 10, (2-9-99, pg. 330) - Bonner

5 SCR 1, (3-2-99, pgs. 594 & 595) - O'Toole

#### **SENATE JOINT RESOLUTION FOR THIRD READING**

SJR 25

#### **SENATE BILLS FOR THIRD READING**

1 HCS SB 276, E.C. - Smith

2 SB 348 - Thompson (37)

3 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)

4 HCS SB 219 - Bray

5 SB 7 - Boykins

6 SB 310, (Fiscal Review 4-21-99) - Leake

7 HCS SB 33, (Fiscal Review 4-26-99) - Farnen

8 SS SCS SB 467 - Clayton

9 HCS SCS SB 436 - Hoppe

10 SS SB 309

11 SB 294, (Fiscal Review 4-26-99) - Koller

12 HCS SCS SB 308 & 314, (Fiscal Review 4-26-99) - Skaggs

13 SB 403

14 HCS SS#2 SB 163 - Kelly (27)

15 HCS SCS SB 346, (Fiscal Review 4-26-99) - Days

16 HCS SCS SB 8 & 173, (Fiscal Review 4-26-99) - Ladd Stokan

#### **SENATE BILLS FOR THIRD READING - CONSENT - INFORMAL**

1 SB 401 - McBride

2 SB 277 - Wagner

3 HCS SCS SB 170 - Pryor

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 34, SCA 1 - Auer

- 2 SCS HB 35 - Campbell
- 3 HB 920, SCA 1 - Farnen
- 4 HB 853, SCA 1 - Seigfreid
- 5 HB 518, SCA 1 - Ross
- 6 SCS HB 464 - Richardson
- 7 SCS HB 366 - Hartzler (123)
- 8 SCS HB 795 - Kennedy

#### **BILL CARRYING REQUEST MESSAGES**

SCS HB 789, (House request Senate recede/grand conf) - Berkstresser

#### **BILLS IN CONFERENCE**

- 1 SCS HCS HB 2 - Lakin
- 2 SCS HCS HB 3 - Lakin
- 3 SCS HCS HB 4, as amended, - Green
- 4 SCS HCS HB 5, as amended, - Green
- 5 SCS HCS HB 6, as amended, - Franklin
- 6 SCS HCS HB 7 - Franklin
- 7 SCS HCS HB 8 - Lakin
- 8 SCS HCS HB 9 - Franklin
- 9 SCS HCS HB 10, as amended, - Carter
- 10 SCS HCS HB 11, as amended, - Troupe
- 11 SCS HCS HB 12 - Green
- 12 SCS HCS HB 348 - Smith
- 13 CCR SCS HB 248 - Kissell
- 14 HS HCS SB 291, as amended, E.C. - Dougherty

#### **HOUSE RESOLUTION**

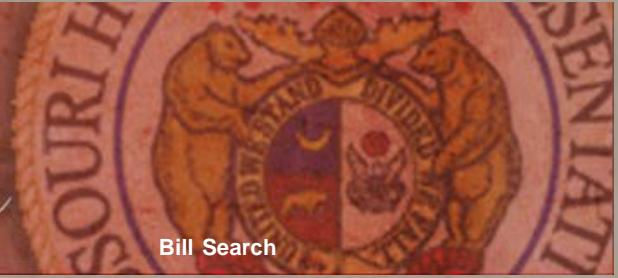
HR 502, (4-7-99, pg. 1093) - Luetkenhaus



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

FIFTY-NINTH DAY, Tuesday, April 27, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

We freely confess, Gracious God, that we know in our hearts that we need You; but our strong egos and stubborn wills keep us trying to go it without You.

Forgive us for making so many mountains out of molehills and for exaggerating both our own importance and the problems that confront us.

Make us willing to listen for Your word, to follow Your guidance. Give us faith that if we give You a hearing, You will give us the clues we need and can not find by ourselves.

Bless our nation. Bless this state. Bless this House. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mark Sommerhauser, Larry Culbertson, Sheila Dyer, Heather Tate, John Gilmore, Theresa Hannegan, William Hannegan, Beth Wiese, Clare Robidoux, Lynn Foster, Brandon Kliethermes, Elizabeth Allison, Stephen Murray, Cheryl Dunham, Diana Wiskur, Greg Gilliland, Dustin Coe, Jamie Bergner, Doug Hancock, Ashley Cole, Brandon Shannon, Ben Van Bibber, Ray Singer, Claire Nauser and Derek Ballmann.

The Journal of the fifty-eighth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1047 - Representative Bartelsmeyer

House Resolution No. 1048 - Representatives Gratz and Vogel

House Resolution No. 1049 - Representative Ladd Stokan

House Resolution No. 1050 - Representative Backer

House Resolution No. 1051 - Representative McKenna

House Resolution No. 1052 - Representative Hartzler (124)

House Resolution No. 1053 - Representative Ostmann

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 37** and **HCR 38** were read the second time.

## SECOND READING OF SENATE BILLS

**SS SCS SBs 1, 92, 111, 129 & 222, SCS SB 248, SCS SB 374, SCS SB 377, SCS SBs 392, 393 & 267** and **SS SCS SB 525** were read the second time.

## HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HB 35**, relating to Kansas City convention and tourism tax, was taken up by Representative Campbell.

On motion of Representative Campbell, **SCS HB 35** was adopted by the following vote:

AYES: 125

Abel Akin Alter Backer Barry 100  
Bartle Bennett Berkowitz Black Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dougherty Enz Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Levin  
Liese Lograsso Luetkemeyer Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reinhart Relford Reynolds Riley  
Robirds Ross Sallee Scheve Schilling  
Scott Seigfreid Shelton Shields Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 159 Wilson Mr. Speaker

NOES: 028



Ballard Blunt Burton Dolan Elliott  
Foster Froelker Gross Hartzler 124 Hegeman  
Hendrickson Hohulin King Linton Long  
Loudon Marble Patek Reid Richardson  
Ridgeway Rizzo Schwab Selby Summers  
Surface Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Barnett Bartelsmeyer Berkstresser Legan  
McLuckie Secrest Williams 121

VACANCIES: 002

On motion of Representative Campbell, **SCS HB 35** was truly agreed to and finally passed by the following vote:

AYES: 119

Abel Akin Alter Backer Barnett  
Barry 100 Bennett Berkowitz Black Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Champion Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Griesheimer Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hegeman  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy Kissell Klindt Koller Kreider  
Lawson Leake Liese Lograsso Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Overschmidt Parker Pouche Pryor  
Ransdall Reinhart Relford Riley Robirds  
Ross Sallee Scheve Schilling Scott  
Seigfreid Shelton Shields Skaggs Smith

Stokan Thompson 37 Thompson 72 Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 159 Wilson Mr. Speaker

NOES: 028

Ballard Bartle Blunt Burton Dolan

Foster Froelker Gross Hanaway Hartzler 124

Hendrickson Hohulin King Linton Long

Loudon Marble Patek Purgason Reid

Richardson Ridgeway Rizzo Schwab Selby

Summers Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Bartelsmeyer Berkstresser Chrismer Green

Lakin Legan Levin McLuckie Ostmann

Reynolds Secrest Williams 121 Wright

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Davis (122) moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**HB 920, with Senate Committee Amendment No. 1**, relating to coordinating board advisory committee, was taken up by Representative Farnen.

On motion of Representative Farnen, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 147

Abel Akin Alter Backer Barnett

Barry 100 Bartle Bennett Berkowitz Black

Blunt Boatright Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Ransdall  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 005

Ballard Murphy Purgason Reid Schwab

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Berkstresser Foley Hohulin

Legan McLuckie Secrest Williams 121

VACANCIES: 002

On motion of Representative Farnen, **HB 920, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 147

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lawson  
Leake Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reinhart Relford Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 004

Hohulin Murphy Reid Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Bartelsmeyer Berkstresser Lakin Legan  
McLuckie Ostmann Patek Secrest Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.



Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HB 853, with Senate Committee Amendment No. 1**, relating to planning and zoning, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 142

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill Gibbons Graham 106 Graham 24

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller

Kreider Lawson Leake Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 159 Wilson

Wright Mr. Speaker

NOES: 012

George Green Hickey Hohulin Kelly 27  
Marble Murphy O'Connor Reid Reynolds  
Ridgeway Selby

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Bartelsmeyer Lakin Legan McLuckie  
Secrest Williams 121

VACANCIES: 002

On motion of Representative Seigfreid, **HB 853, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 143

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Leake Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reinhart Relford  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Shelton Shields Skaggs  
Smith Stokan Summers Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 159

Wilson Wright Mr. Speaker

NOES: 009

George Green Hickey Hohulin Kelly 27

Marble Reid Reynolds Selby

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Lakin Legan McLuckie

Ostmann Secrest Surface Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative McKenna moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HB 518, with Senate Committee Amendment No. 1**, relating to transient guest tax, was taken up by Representative Ross.

On motion of Representative Ross, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 143

Abel Alter Backer Ballard Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Boatright Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Farnen

Fitzwater Ford Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pryor Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Mr. Speaker

NOES: 009

Akin Blunt Evans Foster Hohulin  
Murphy Pouche Reid Selby

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Foley Lakin McLuckie  
Secrest Treadway Williams 121 Wright

VACANCIES: 002

On motion of Representative Ross, **HB 518, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 141

Abel Alter Backer Ballard Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Black Boatright Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton



Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Leake Legan Levin  
Liese Lograsso Long Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pryor Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Seigfreid  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Mr. Speaker

NOES: 012

Akin Blunt Hanaway Hohulin Linton  
Loudon Marble Murphy Pouche Reid  
Selby Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Bartelsmeyer Foley Lakin McLuckie  
Sallee Secrest Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Williams (159), title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 464**, relating to LAGERS, was taken up by Representative Richardson.

On motion of Representative Richardson, **SCS HB 464** was adopted by the following vote:

AYES: 149

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Chrismer Cierpiot Clayton

Crawford Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Fitzwater Ford Foster Franklin Fraser

Froelker Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Farnen

ABSENT WITH LEAVE: 011

Auer Bartelsmeyer Champion Crump Foley  
Gambaro Gibbons Kennedy McLuckie Secrest  
Williams 121

VACANCIES: 002

On motion of Representative Richardson, **SCS HB 464** was truly agreed to and finally passed by the following vote:

AYES: 154

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Farnen

ABSENT WITH LEAVE: 006

Auer Bartelsmeyer Hartzler 124 McLuckie Secrest  
Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Van Zandt, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Berkowitz moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 366**, relating to county collectors, was taken up by Representative Hartzler (123).

On motion of Representative Hartzler (123), **SCS HB 366** was adopted by the following vote:

AYES: 150

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Champion Chrismer Cierpiot Clayton  
Crawford Crump Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand



Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 003

Carter Daniel Koller

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Bartelsmeyer Foley McLuckie Richardson

Secrest Shields Williams 121

VACANCIES: 002

On motion of Representative Hartzler (123), **SCS HB 366** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 002

Carter Koller

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Bartelsmeyer McLuckie Richardson Secrest  
Stokan Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 795**, relating to recorder of deeds, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **SCS HB 795** was adopted by the following vote:

AYES: 150

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Bartelsmeyer Berkstresser Hohulin Howerton  
Long McLuckie Richardson Secrest Williams 121

VACANCIES: 002

On motion of Representative Kennedy, **SCS HB 795** was truly agreed to and finally passed by the following vote:

AYES: 148

Abel Akin Alter Backer Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Black Blunt Boatright Bonner Boucher  
Boykins Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Levin Liese Linton Lograsso  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Ross  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Wilson Wright Mr. Speaker

NOES: 001



Murphy

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Ballard Bartelsmeyer Bray 84 Hohulin

Legan Long McLuckie Robirds Sallee

Secrest Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative May (108), title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILLS

**HCS SB 276**, relating to health and educational facilities, was taken up by Representative Smith.

On motion of Representative Smith, **HCS SB 276** was adopted.

On motion of Representative Smith, **HCS SB 276** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake  
Levin Liese Linton Lograsso Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 003

Gibbons Hohulin Scott

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bartelsmeyer Bray 84 Crump Legan

Long McLuckie Secrest Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 118

Abel Akin Backer Ballard Barnett

Barry 100 Bennett Berkowitz Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kasten Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Levin Liese  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murray  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Ransdall Relford Reynolds  
Richardson Riley Rizzo Ross Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Mr. Speaker

NOES: 037

Alter Bartle Berkstresser Black Blunt  
Boatright Chrismer Cierpiot Foster Froelker  
Gibbons Gross Hanaway Hohulin Howerton  
Kelley 47 Legan Linton Long Loudon  
Luetkemeyer Marble Murphy Myers Nordwald  
Pouche Pryor Purgason Reid Reinhart  
Ridgeway Robirds Sallee Schwab Scott  
Shields Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Auer Bartelsmeyer Lograsso McLuckie Secrest  
Williams 121

VACANCIES: 002

On motion of Representative Foley, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

**SB 348**, relating to Kansas City debt service taxation, was taken up by Representative Thompson (37).

Representative Berkowitz offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Bill No. 348, Page 1, In the Title, Lines 2-5, by deleting said lines and inserting in lieu thereof the following: "To repeal sections 92.031, 205.200 and 206.060, RSMo 1994, relating to tax levies for local governments providing certain public services, and to enact in lieu thereof three new sections relating to the same subject."; and

Further amend said bill, page 1, section A, line 1-2, by deleting said lines and inserting in lieu thereof the following: "Section A. Sections 92.031, 205.200 and 206.060, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 92.031, 205.200 and 206.060, to read as follows:"; and

Further amend said bill, page 2, section 92.031, line 13, by inserting after said line the following:

205.200. 1. Except in counties operating under the charter form of government, the county commission in any county wherein a public hospital shall have been established as provided in sections 205.160 to 205.340 shall levy annually a rate of taxation on all property subject to its taxing powers in excess of the rates levied for other county purposes to defray the amount required for the maintenance and improvement of such public hospital and for constructing and furnishing necessary additions thereto, as certified to it by the board of trustees of the hospital; the tax levied for such purpose shall not be in excess of [fifty cents] **one dollar** on the one hundred dollars assessed valuation. The funds arising from the tax levied for such purpose shall be used for the purpose for which the tax was levied and none other.

2. Any funds of the hospital, whether derived from the tax authorized by this section or from the operation of the hospital, and whether collected before or after October 13, 1965, may be used for constructing and furnishing necessary additions to the hospital.

**3. For any ballot proposal in which the maximum levy exceeds fifty cents per one hundred dollars of assessed valuation, the board of trustees shall publish in a newspaper or newspapers of general circulation or otherwise make available upon request a summary description of the board's plans for using the money for ongoing hospital operations.**

206.060. Each notice shall state briefly the purpose of the election, setting forth the question to be voted upon, form of ballot to be used and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by this chapter, and shall have the power to levy a property tax not to exceed [fifty cents] **one dollar** on the one hundred dollars valuation.

**2. For any ballot proposal in which the maximum levy exceeds fifty cents per one hundred dollars of assessed valuation, the board of directors shall publish in a newspaper or newspapers of general circulation or otherwise make available upon request a summary description of the board's plans for using the money for ongoing hospital operations.**

Representative Scott offered **House Amendment No. 1 to House Amendment No. 1**.

*House Amendment No. 1*

to

*House Amendment No. 1*

AMEND House Amendment No. 1 to Senate Bill No. 348, Page 1, Section 205.200, Line 3, Subsection 3, by deleting the word "or" and inserting the word "and"; and

Further amend section 206.060, subsection 2, line 3, by deleting the word "or" and inserting the word "and".

On motion of Representative Scott, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Berkowitz, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative Thompson (37), **SB 348, as amended**, was read the third time and passed by the following vote:

AYES: 102



Abel Backer Barry 100 Berkowitz Black  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Clayton  
Crump Daniel Davis 122 Davis 63 Days  
Dougherty Farnen Fitzwater Foley Ford  
Franklin Fraser Gambaro George Graham 106  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hartzler 124 Hegeman  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Liese Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McKenna Merideth  
Monaco Murray Myers O'Connor O'Toole  
Overschmidt Parker Patek Pryor Ransdall  
Relford Reynolds Riley Ross Scheve  
Schilling Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 159  
Wilson Mr. Speaker

NOES: 052

Akin Alter Ballard Barnett Bartle  
Bennett Berkstresser Blunt Boatright Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Griesheimer Gross Hanaway Hendrickson Holand  
Kasten Legan Levin Linton Lograsso  
Long Loudon Marble McClelland Miller  
Murphy Naeger Nordwald Ostmann Pouche  
Purgason Reid Reinhart Ridgeway Rizzo  
Robirds Sallee Schwab Surface Townley  
Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Bartelsmeyer Hohulin McLuckie Richardson  
Secrest Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wagner, title to the bill was agreed to.

Representative Riback Wilson moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 219**, relating to property taxation, was taken up by Representative Bray.

Representative Wiggins offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, by adding the section "**137.130**"; and

Further amend said bill, Page 1, Section A, Line 1, by adding section "**137.130**"; and

Further amend said bill, Page 1, Line 1, by deleting the word "twelve" and inserting in lieu thereof "**thirteen**"; and

Further amend said bill, Page 1, Line 2, by adding the section "**137.130**"; and

Further amend said bill, Page 1, Section 137.1000, Line 1, by adding said section:

137.130. Whenever there shall be any taxable **personal** property in any county, and from any cause no list thereof shall be given to the assessor in proper time and manner, the assessor shall [himself] make out the list, on [his] **the assessor's** own view, or on the best information [he] **the assessor** can obtain; and for that purpose [he] **the assessor** shall have lawful right to enter into any lands and make any examination and search which may be necessary, and may examine any person upon oath touching the same. **The assessor shall list, assess and cause taxes to be imposed upon omitted taxable personal property in the current year and in the event personal property was also subject to taxation in the immediately prior year, but was omitted, the assessor shall also list, assess and cause taxes to be imposed upon such property.**

On motion of Representative Wiggins, **House Amendment No. 1** was adopted.

Representative Patek offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5, by inserting after all of said line the following:

"138.395. **1.** The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula funds at least thirty days prior to the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent thereof, on such ratio prior to such certification. Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent. On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one and two-thirds percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one and two-thirds percent, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission.

**2. Notwithstanding any provision of law to the contrary, the department of elementary and secondary education shall not equalize the operating levy of a school district in a way that reduces the amount of state aid the district receives pursuant to section 163.031, RSMo."; and**

Further amend the title and enacting clause accordingly.

**HCS SB 219, as amended, with House Amendment No. 2, pending**, was laid over.

On motion of Representative Crump, the House recessed until 2:00 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mary Liese and Terry Godier.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1054 through House Resolution No. 1079 - Representative Cierpiot

House Resolution No. 1080 - Representative Murphy

House Resolution No. 1081 - Representative Hartzler (123)

House Resolution No. 1082 - Representative Smith

House Resolution No. 1083 and House Resolution No. 1084 - Representative Farnen

House Resolution No. 1085 - Representative Dougherty

House Resolution No. 1086 - Representative Klindt

#### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 15, HB 16** and **HCS HB 18**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

#### **THIRD READING OF SENATE BILL**

**HCS SB 219, as amended, with House Amendment No. 2, pending**, relating to property tax, was again taken up by Representative Bray.

Speaker Gaw assumed the Chair.

Representative Patek moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Chrismer Cierpiot Crawford  
Dolan Elliott Enz Foster Froelker  
Gaskill Gibbons Graham 106 Griesheimer Gross  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hohulin  
Holand Howerton Kasten Kelley 47 King  
Klindt Legan Levin Linton Long  
Loudon Luetkemeyer Marble Miller Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Richardson  
Ridgeway Robirds Sallee Schwab Scott  
Summers Surface Townley Tudor Vogel  
Wagner Wright

NOES: 082

Abel Auer Barry 100 Berkowitz Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Daniel Davis 122  
Davis 63 Days Farnen Fitzwater Ford  
Franklin Fraser Gambaro George Graham 24  
Gratz Green Gunn Hagan-Harrell Hampton  
Harlan Hendrickson Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Monaco Murray O'Connor  
O'Toole Overschmidt Parker Ransdall Relford  
Reynolds Riley Rizzo Ross Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Ward Wiggins Williams 159  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Backer Champion Dougherty Evans Foley  
Liese Lograsso McLuckie Murphy Secrest



VACANCIES: 002

### SIGNING OF SENATE BILL

All other business of the House was suspended while **SB 443** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

### THIRD READING OF SENATE BILLS

**HCS SB 219, as amended**, relating to property taxation, was again taken up by Representative Bray.

Representative Gratz offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

**"Section 1. Beginning January 1, 2000, no county or any other political subdivision shall increase its property tax revenues, other than through the vote of the people or through new construction,"; and**

Further amend the title and enacting clause accordingly.

Representative Gratz moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Wiggins offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, Line 2, by deleting the phrase "section 138.431, RSMo 1994," and inserting in lieu thereof the phrase "sections 137.720, 137.750 and 138.431, RSMo 1994, and section 138.395, RSMo Supp. 1998,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the phrase "Section 138.431, RSMo 1994, is repealed and twelve" and inserting in lieu thereof the following: "Sections 137.720, 137.750 and 138.431, RSMo 1994, and section 138.395, RSMo Supp. 1998, are repealed and sixteen"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the word "sections" the numbers "137.130, 137.720, 137.750,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "137.1030" the number ", 138.395"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

137.720. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required [under] **pursuant to** section 137.750. The percentage shall be one-half of one percent for all counties of the first and second [class] **classification** and cities not within a county and one percent for counties of the third and fourth [class] **classification**. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided [under] **pursuant to** section 137.750, every county shall provide [all moneys necessary to assure that the fund is at least equal to the amount of moneys available for assessment purposes in the previous year] **from the county general revenue fund, an amount equal to an average of the three most**

**recent years of the amount provided from general revenue to the assessment fund**, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, county governing body and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

137.750. 1. If a county has an assessment maintenance plan approved [under] **pursuant to** section 137.115, a portion of all the costs and expenses of the assessor of each county and each city not within a county, incurred for the current quarter in performing all duties necessary to assess and maintain equalized assessed valuations of real property, making real and personal property assessments and preparing abstracts of assessment lists, shall be reimbursed by the state. The state shall reimburse up to [one-half] **sixty percent** of all the current and past unreported quarterly costs and expenses of the assessor of each county and each city not within a county based on compliance with the state tax commission approved assessment and equalization maintenance plan. The state shall reimburse each eligible county a minimum of three dollars per parcel for up to twenty thousand parcels, but no further reimbursements shall be made until the county has expended [an equal] **at least two-thirds of that** amount of money for assessment maintenance from its assessment fund. The [maximum] annual state reimbursement to any county [under] **pursuant to** this section in [1986] **2000** shall [not exceed five dollars and fifty cents] **be seven dollars** per parcel of real property in the county and each year thereafter such maximum amount may be increased by up to three percent, but the amount reimbursed by the state shall not exceed [one-half] **sixty percent** of the actual costs and expenses incurred, except that counties entitled to only the three-dollar per parcel minimum shall receive one-fourth of the state's contribution each quarter.

2. The governing body of each county and city not within a county which seeks or will seek reimbursement under any provision of this section or section 137.720 shall establish a fund to be known as the "Assessment Fund", to be used solely as a depository for funds received by the county or city pursuant to this section and sections 137.037 and 137.720, from the general revenue fund of the county or other sources for the purpose of funding the costs and expenses incurred in implementing an assessment and equalization maintenance plan approved under section 137.115 and for assessing real and personal property.

3. All counties and cities not within a county seeking state funds under this section shall submit a certified copy of their costs and expenses to the commissioner of the office of administration not later than the thirtieth day of the quarter immediately following the quarter for which such state funds are sought. The commissioner of the office of administration shall, in such form as may be prescribed by rule, certify that the county requests for reimbursement are consistent with the assessment and equalization maintenance plan approved by the state tax commission as provided in section 137.115, and shall pay the state's share out of funds appropriated for that purpose quarterly to each eligible county and city to reimburse such county or city for reimbursable costs and expenses incurred in the previous calendar quarter.

4. (1) The following costs and expenses shall not qualify for state reimbursement or reimbursement from tax moneys withheld from political subdivisions:

(a) Premiums for property and casualty insurance and liability insurance;

(b) Depreciation, interest, building and ground maintenance, fuel and utility costs, and other indirect expenses which can be classified as the overhead expenses of the assessor's office;

(c) Purchases of motor vehicles;

(2) Costs and expenses which shall qualify for state reimbursement, but only if identified in the county maintenance plan and subsequently specifically approved by the state tax commission, shall include:

(a) Salaries and benefits of data processing and legal personnel not directly employed by the assessor;

(b) Costs and expenses for computer software, hardware, and maintenance;

(c) Costs and expenses of any additional office space made necessary in order to carry out the county's maintenance plan;

(d) Costs of leased equipment;

(e) Costs of aerial photography."; and

Further amend said bill, Page 5, Section 137.1030, Line 5, by inserting after all of said line the following:

"138.395. The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula funds at least thirty days [prior to] **before** the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent [thereof] **of the commission**, on such ratio [prior to] **before** such certification. [Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent.] On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one [and two-thirds] percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one [and two-thirds] percent **and has been for the two preceding years**, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission."



On motion of Representative Wiggins, **House Amendment No. 4** was adopted.

Representative Gunn assumed the Chair.

Representative Gross offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5, by inserting after said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge or management, and all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
  - (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:
    - (a) Such sale was closed at a date relevant to the property valuation; and
    - (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.
2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.
3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:
- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
  - (2) Livestock, twelve percent;
  - (3) Farm machinery, twelve percent;
  - (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall conduct a physical inspection of such property.

**11. There shall be a homestead exemption on certain properties as follows:**

**(1) Any person owning and residing on real property which qualifies as a homestead, as defined in section 135.010, RSMo, who is at least sixty-five years of age shall be granted a homestead exemption under the authority granted pursuant to section 6(a) of article X of the Missouri Constitution for the years succeeding the year in which the exemption is filed and in the manner and amount prescribed in this subsection;**

**(2) The exemption shall be for that portion of the assessed valuation of the homestead which exceeds the assessed valuation of the homestead in the year the owner reaches sixty-five years of age or on the effective date of this section, whichever is later;**

**(3) An eligible property owner may file for such an exemption with the county clerk on a form provided by the state tax commission by June first of the year preceding the first year for which the exemption is to be made. The property owner filing the form shall sign such form attesting to the truth of the information provided by such owner. If the property for which the homestead exemption is sought has joint owners, then any such joint owner may file for the exemption. When any joint owner has elected to file for an exemption all other joint owners shall be bound by such election and the other joint owners shall not subsequently be eligible to file for an exemption for the jointly owned property. No provisions of this section shall be construed to deny the granting of an exemption to property owned by married joint owners when only one of such owners is eligible for the exemption. The applicant shall file a copy of the person's birth certificate with the county clerk to establish eligibility for the exemption. Once an exemption has been granted, the property owners who filed for the exemption shall not be required to refile for any succeeding year and the property shall remain exempted unless or until the property has a new owner or pursuant to subdivision (6) of this subsection;**



(4) The county clerk shall verify from the birth certificate and form that the applicant is eligible for such exemption, and if the applicant is so eligible, the county clerk shall notify the county assessor, county collector and the state tax commission. In addition, the county clerk shall annually deliver to each political subdivision or other taxing jurisdiction which has levied ad valorem property taxes on the properties for which exemptions are granted under this section a listing of each parcel of real property for which the exemptions are granted;

(5) Any exemption granted pursuant to this subsection shall have no effect on the tax levied for the blind pension fund, pursuant to section 38(b) of article III of the Missouri Constitution, on the property for which the exemption is granted. The tax, however, shall not be collected from the person granted the exemption but a payment in lieu of such tax shall be made by the county within which such property lies. The county shall be reimbursed pursuant to subdivision (5) of this subsection for any revenues lost due to this subdivision;

(6) Pursuant to the requirements of sections 6(a) and 16 of article X of the Missouri Constitution, any taxing jurisdiction or political subdivision shall recover the loss of revenue caused by this subsection from the state. The state tax commission shall certify to the commissioner of administration to issue vouchers to any such taxing jurisdiction or political subdivision upon the availability of appropriations. Each calendar year beginning in 1998 the state tax commission shall estimate the total loss of revenue to all taxing jurisdictions and political subdivisions in the next succeeding year resulting from the homestead exemptions granted in the current year. The state tax commission shall report such estimate granted in the current year. The state tax commission shall report such estimate to the general assembly before February first of every year. If the general assembly determines there will be insufficient total state revenues, as defined by section 17 of article X of the Missouri Constitution, for the taxing jurisdiction and political subdivisions of the state to recover the estimated loss of revenue caused by the homestead exemption the general assembly may declare that there will be no homestead exemption for the succeeding year."; and

Further amend the title and enacting clause accordingly.

Speaker Gaw resumed the Chair.

Representative Monaco raised a point of order that **House Amendment No. 5** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Gambaro offered **House Amendment No. 1 to House Amendment No. 5**.

*House Amendment No. 1*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Bill No. 219, Page 4, Line 120, by inserting after the word "later;" the following:

"(3) Any owner of the real property has a Missouri adjusted gross income not in excess of twenty-five thousand dollars on the most recently filed single return or not in excess of fifty thousand dollars on the most recently filed combined return; and

(4) The owner of the real property attests that the property shall in the year for which the homestead exemption is requested, have no improvements or new construction made to such property which have a value equal to fifteen percent or greater of the property's market value prior to the improvements or new construction."; and

Further amend said bill by renumbering the section.

On motion of Representative Gambaro, **House Amendment No. 1 to House Amendment No. 5** was adopted.

Representative Gibbons offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

Representative Monaco raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 5** goes beyond the scope of the amendment.

The Chair ruled the point of order well taken.

On motion of Representative Gross, **House Amendment No. 5, as amended**, was adopted by the following vote:

AYES: 143

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Champion Chrismer Cierpiot

Clayton Crawford Davis 122 Davis 63 Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Ridgeway Riley

Rizzo Robirds Ross Sallee Schilling

Schwab Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Ward Wiggins Williams 159

Wilson Wright Mr. Speaker

NOES: 004

Bray 84 Carter Days Harlan

PRESENT: 000

ABSENT WITH LEAVE: 014

Crump Daniel Gaskill Liese McLuckie  
Murphy Patek Richardson Scheve Scott  
Secrest Vogel Wagner Williams 121

VACANCIES: 002

Representative Leake offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, by adding the section "**137.100**"; and

Further amend said bill, page 1, section A, line 1, by adding section "**137.100**"; and

Further amend said bill, page 1, line 1, by deleting the word "twelve" and inserting in lieu thereof "**thirteen**"; and

Further amend said bill, page 1, line 2, by adding the section "**137.100**"; and

Further amend said bill, page 1, section 137.1000, line 1, by adding said section:

Section A. Section 137.100, RSMo 1994, is repealed and one new section enacted in lieu thereof to be known as section 137.100, to read as follows:

137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for-profit agribusiness associations**;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

On motion of Representative Leake, **House Amendment No. 6** was adopted.

Representative Luetkenhaus offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5 by inserting after all of said section the following:

"138.430. 1. Every owner of real property or tangible personal property shall have the right to appeal from the local boards of equalization to the state tax commission under rules prescribed by the state tax commission, within the time prescribed in this chapter or thirty days following the final action of the local board of equalization, whichever date later occurs, concerning all questions and disputes involving the assessment against such property, the correct valuation to be placed on such property, the method or formula used in determining the valuation of such property, or the assignment of a discriminatory assessment to such property. The commission shall investigate all such appeals and shall correct any assessment or valuation which is shown to be unlawful, unfair, improper, arbitrary or capricious. Any person aggrieved by the decision of the commission may



seek review as provided in chapter 536, RSMo.

2. In order to investigate such appeals, the commission may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to the valuation, subclassification or assessment of the property. The commission may make its decision regarding the assessment or valuation of the property based solely upon its inquiry and any evidence presented by the parties to the commission, or based solely upon evidence presented by the parties to the commission.

3. Every owner of real property or tangible personal property shall have the right to appeal to the circuit court of the county in which the collector maintains his office, from the decision of the local board of equalization not later than thirty days after the final decision of the board of equalization concerning all questions and disputes involving the exclusion or exemption of such property from assessment or from the tax rolls pursuant to the Constitution of the United States or the constitution or laws of this state, or of the taxable situs of such property. The appeal shall be as a trial de novo in the manner prescribed for nonjury civil proceedings.

4. Upon the timely filing of an appeal as provided in this section, the state tax commission or the clerk of the circuit court, as applicable, shall send to the county collector to whom the taxes on the property involved would be due, a notice that an appeal has been filed, which notice shall contain the name and address of the taxpayer filing the appeal.

5. If the circuit court, after review of the appeal, finds that the appeal is not a proper subject for the appeal to the circuit court as provided in subsection 3 of this section, it shall transfer the appeal to the state tax commission for consideration.

**6. Upon a determination that the assessor's decision was frivolous, the taxpayer shall be awarded costs of appeal and reasonable attorney's fees.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Luetkenhaus, **House Amendment No. 7** was adopted.

Representative Froelker offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

**"Section 1. In the event that an assessor incorrectly or inaccurately assesses real or personal property of a taxpayer, the assessor shall refund to the affected taxpayer any taxes which where found to be incorrectly or inaccurately levied together with interest at a rate provided for in section 32.065, RSMo;"** and

Further amend the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Amendment No. 8** amends previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Froelker, **House Amendment No. 8** was adopted.

Representative Gratz offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

**"Section 1. Beginning January 1, 2000, no county or any other political subdivision shall increase its property tax revenues in excess of those defined pursuant to section 22 of Article X of the Missouri Constitution, other than through the vote of the people or through new construction.";** and

Further amend the title and enacting clause accordingly.



Representative Shields raised a point of order that **House Amendment No. 9** is dilatory.

The Chair ruled the point of order not well taken.

On motion of Representative Gratz, **House Amendment No. 9** was adopted by the following vote:

AYES: 111

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Burton Champion Chrismer

Cierpiot Crawford Crump Davis 63 Dolan

Dougherty Elliott Enz Evans Farnen

Ford Foster Franklin Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hampton Hanaway

Hartzler 124 Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Howerton Kasten

Kelley 47 Kelly 27 King Kissell Klindt

Koller Kreider Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Luetkenhaus Marble McKenna Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Reynolds Ridgeway Rizzo Robirds

Ross Sallee Schwab Scott Selby

Skaggs Stokan Summers Surface Thompson 37

Townley Treadway Troupe Wagner Williams 159

Wright

NOES: 037

Bennett Boykins Bray 84 Britt Campbell

Carter Clayton Davis 122 Days Fitzwater

Fraser Gambaro Hagan-Harrell Harlan Hartzler 123

Hilgemann Hosmer Kennedy Lawson May 108

Mays 50 McBride McClelland Relford Riley

Schilling Seigfreid Shelton Shields Smith

Thompson 72 Tudor Van Zandt Ward Wiggins

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Daniel Foley Froelker Lakin Lograsso

McLuckie Merideth Murphy Richardson Scheve

Secrest Vogel Williams 121

VACANCIES: 002

Representative Pouche offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5, by inserting immediately after said line the following:

"138.085. 1. In all first class counties not having a charter form of government and in each second class county which contains a portion of a city having a population of at least three hundred thousand and which adjoins a first class county which does not have a charter form of government, there may be a board of equalization consisting of three taxpaying property-owning [citizen] **citizens**, residents of such county for five years next before their appointment, who shall be appointed by the county commission for three-year terms with one member being appointed annually on the second Monday in January of each year; after the county commission makes the first appointments on the full three-member board on the second Monday in January, 1981. The initial appointments shall be for one-, two- and three-year terms, respectively.

2. Each member shall take an oath similar to that required by law of members of other county boards of equalization.

3. Compensation shall be fixed by order of the county commission.

4. Vacancies or absences on the board of equalization caused by death, incapacity to perform duties, failure to attend three consecutive meetings, or resignation shall be filled forthwith by appointment by the county commission.

**5. No person who serves on the governing body of, or is employed by, any political subdivision may serve on a board of equalization during that person's term of office or employment.";** and

Further amend said bill by amending the title and enacting clause.

Representative Relford raised a point of order that **House Amendment No. 10** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Pouche moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

Representative Marble offered **House Amendment No. 11.**

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by adding after said line the following:

**"Section 1. Any waiver of a property tax rollback as provided in section 164.013, RSMo, shall only apply to the total assessments of the year in which the waiver of the rollback was approved.";**

Further amend the title and enacting clause accordingly.

On motion of Representative Marble, **House Amendment No. 11** was adopted.

Representative Reid offered **House Amendment No. 12**.

Representative Monaco raised a point of order that **House Amendment No. 12** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Bray, **HCS SB 219, as amended**, was adopted.

On motion of Representative Bray, **HCS SB 219, as amended**, was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Wagner Ward

Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartle Daniel Foley Hartzler 123 Lograsso

McLuckie Murphy Pryor Secrest Vogel

Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

**SB 7**, relating to the needs of minority older individuals, was taken up by Representative Boykins.

On motion of Representative Boykins, **SB 7** was truly agreed to and finally passed by the following vote:

AYES: 133

Abel Auer Backer Barnett Barry 100

Berkowitz Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hampton

Hanaway Harlan Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Long Loudon Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McClelland McKenna Merideth



Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Tudor Van Zandt Wagner Ward Williams 159  
Wilson Wright Mr. Speaker

NOES: 014

Akin Alter Ballard Bartelsmeyer Bennett  
Berkstresser Hohulin King Linton Marble  
Pouche Robirds Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 014

Bartle Daniel Foley Hagan-Harrell Hartzler 123  
Kasten Lograsso McLuckie Murphy Secrest  
Summers Vogel Wiggins Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**SS SCS SB 467**, relating to county employees' retirement fund, was taken up by Representative Clayton.

Representative Clayton offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 5, Section 50.1030, Line 48, by deleting the phrase "**subsection 4 of**"; and

Further amend said bill, Page 7, Section 50.1040, Lines 3 and 4 by deleting the phrase "**subdivision (9) of**"; and

Further amend said bill, Page 11, Section 50.1090, Line 62, by deleting the number "50.1200" and inserting in lieu thereof the following: "[50.1200] **50.1300**"; and

Further amend said bill, Page 11, Section 50.1090, Line 73, by deleting the phrase "**section 50.1090**" and inserting in lieu thereof the phrase "**this section**"; and

Further amend said bill, Page 11, Section 50.1090, Line 79, by deleting the phrase "**section 50.1090**" and inserting in lieu thereof the phrase "**this section**".

On motion of Representative Clayton, **House Amendment No. 1** was adopted.

Representative Clayton offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 4, Section 50.1030, Lines 3, 4 and 5, by deleting all of said lines and inserting in lieu thereof the following: "**system** are vested in a board of directors of [nine] **eleven** persons. **Nine** directors shall be elected by a secret ballot vote of the county employee members of this state. **Two directors, who have no beneficiary interest in the system, shall be appointed by the governor, with the advice and consent of the Senate.** No more than one director at any one time shall be [a representative of] **employed by** the same elected county"; and

Further amend said bill, Page 4, Section 50.1030, Line 7, by inserting an opening bracket "[" immediately in front of the word "except"; and

Further amend said bill, Page 4, Section 50.1030, Line 10, by inserting a closing bracket "]" immediately after the word "year"; and

Further amend said bill, Page 4, Section 50.1030, Line 11, by deleting the word "initial" and inserting in lieu thereof the word "[initial]".

On motion of Representative Clayton, **House Amendment No. 2** was adopted.

On motion of Representative Clayton, **SS SCS SB 467, as amended**, was read the third time and passed by the following vote:

AYES: 141

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Champion Chrismer Cierpiot Clayton Crawford

Davis 122 Davis 63 Days Dolan Elliott

Enz Evans Fitzwater Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Skaggs  
Smith Stokan Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Wagner Ward Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 002

Bartelsmeyer Farnen

ABSENT WITH LEAVE: 018

Backer Bartle Carter Crump Daniel  
Dougherty Foley Levin Lograsso McLuckie  
Murphy Reynolds Secrest Shields Summers  
Vogel Wiggins Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative George, title to the bill was agreed to.

Representative Fraser moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

**SS SB 309**, relating to highway patrol personnel, was taken up by Representative Smith.

On motion of Representative Smith, **SS SB 309** was truly agreed to and finally passed by the following vote:

AYES: 141

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bennett  
Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Ridgeway Riley Rizzo  
Roberts Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Wagner Ward Williams 159 Wilson Wright  
Mr. Speaker

NOES: 002

Hohulin Townley

PRESENT: 000

ABSENT WITH LEAVE: 018

Bartle Carter Daniel Davis 63 Days  
Foley Harlan Levin Lograsso McLuckie  
Murphy Richardson Secrest Stokan Summers  
Vogel Wiggins Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.



On motion of Representative Scheve, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

**HCS SS#2 SB 163**, relating to instruction in the social sciences, was placed on the Informal Calendar.

#### PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 20, as amended**, relating to gaming, was taken up by Representative Gratz.

Representative Loudon offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 9, by inserting after the word "**members**" the words "**and any of the gross proceeds retained by the organization associated with such machines must be expended for charitable purposes. For the purposes of this section bona fide organizations shall only include organizations whose primary function is of a charitable nature.**"

Representative Ward offered **House Substitute Amendment No. 1** for **House Amendment No. 4**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 9, by inserting after the word "**members**" the words "**and any of the gross profits from such machines must be expended for charitable purposes. For the purposes of this section bona fide organizations shall only include organizations whose primary function is of a charitable nature.**"

Representative Skaggs offered **House Amendment No. 1** to **House Substitute Amendment No. 1** for **House Amendment No. 4**.

*House Amendment No. 1*

*to*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Joint Resolution No. 20, Page 1, by adding at the end of said amendment the following: "**The gaming commission shall adopt regulations to insure that all proceeds from such machines are used for charitable purposes.**"

On motion of Representative Skaggs, **House Amendment No. 1** to **House Substitute Amendment No. 1** for **House Amendment No. 4** was adopted.

Representative Kelley (47) offered **House Amendment No. 2** to **House Substitute Amendment No. 1** for **House Amendment No. 4**.

*House Amendment No. 2*

*to*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Joint Resolution No. 20, Page 1, Line 7, by adding after the word "nature." the following:

No one who is not a member of the organization may play the video slot machines and only members over 21 years old may play the video slot machines.

Representative Gratz requested a division of the question.

*House Amendment No. 2*

*to*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

PART I

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Joint Resolution No. 20, Page 1, Line 7, by adding after the word "nature." the following:

No one who is not a member of the organization may play the video slot machines.

On motion of Representative Kelley (47), **Part I of House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 4** was adopted by the following vote:

AYES: 085

Akin Alter Ballard Barnett Bartelsmeyer

Bennett Berkstresser Black Blunt Boatright

Bray 84 Burton Campbell Champion Chrismer

Cierpiot Crawford Dolan Elliott Enz

Evans Ford Foster Fraser Froelker

Gaskill Gibbons Graham 106 Griesheimer Gross

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hilgemann Hohulin Holand Howerton

Kasten Kelley 47 Kennedy King Klindt

Lakin Legan Levin Linton Lograsso

Long Loudon Luetkemeyer Marble McClelland

Miller Murphy Myers Naeger Ostmann

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Robirds Ross Sallee

Schilling Schwab Scott Seigfreid Shields  
Skaggs Stokan Summers Surface Thompson 37  
Townley Treadway Van Zandt Ward Wright

NOES: 068

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Britt Carter  
Clayton Crump Davis 122 Davis 63 Days  
Dougherty Farnen Fitzwater Foley Franklin  
Gambaro George Graham 24 Gratz Green  
Gunn Hagan-Harrell Harlan Hickey Hollingsworth  
Hoppe Kelly 27 Kissell Koller Kreider  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McBride McKenna Merideth Monaco  
Murray Nordwald O'Connor O'Toole Overschmidt  
Parker Ransdall Relford Reynolds Riley  
Rizzo Scheve Selby Shelton Smith  
Thompson 72 Troupe Tudor Wagner Wiggins  
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Bartle Daniel Hosmer McLuckie Reid  
Secrest Vogel Williams 121

VACANCIES: 002

*House Amendment No. 2*

*to*

*House Substitute Amendment No.1*

*for*

*House Amendment No. 4*

PART II

AMEND House Substitute Amendment No. 1 for House Amendment No. 4 to House Joint Resolution No. 20, Page 1, Line 7, by adding after the word "nature." the following:

Only members over 21 years old may play the video slot machines.

On motion of Representative Kelley (47), **Part II of House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 4** was adopted by the following vote:

AYES: 147

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Days Dolan Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Ransdall  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Bartle Daniel Dougherty Hohulin  
Hosmer King McLuckie Murphy Purgason  
Reid Secrest Vogel Williams 121



VACANCIES: 002

On motion of Representative Ward, **House Substitute Amendment No. 1 for House Amendment No. 4, as amended**, was adopted.

Representative Ballard offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Joint Resolution No. 20, Page 2, Section 39(g), Line 9, by adding to the end of line 9, the following:

"Any machines authorized under this section must be owned by the charitable organization at which it resides."

Representative Loudon offered **House Amendment No. 1 to House Amendment No. 5**.

*House Amendment No. 1*

to

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Joint Resolution No. 20, Page 1, by adding after the word "organization" the following: "or leased by the State of Missouri to the charitable organization".

Representative Loudon moved that **House Amendment No. 1 to House Amendment No. 5** be adopted.

Which motion was defeated.

On motion of Representative Ballard, **House Amendment No. 5** was adopted by the following vote:

AYES: 081

Akin Alter Ballard Barnett Bartelsmeyer

Bennett Berkstresser Black Blunt Boatright

Bray 84 Burton Campbell Champion Chrismer

Cierpiot Crawford Elliott Enz Evans

Ford Foster Fraser Froelker Gaskill

Gibbons Graham 106 Gross Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hilgemann Hohulin

Holand Howerton Kasten Kelley 47 King

Klindt Koller Lakin Legan Levin

Linton Lograsso Long Loudon Luetkemeyer

Marble McClelland Merideth Miller Monaco

Murphy Myers Ostmann Patek Pouche

Pryor Purgason Ransdall Reinhart Ridgeway

Robirds Ross Sallee Schilling Schwab

Scott Shelton Shields Skaggs Stokan

Summers Surface Townley Van Zandt Williams 159

Wright

NOES: 062

Abel Auer Backer Berkowitz Boucher  
Boykins Britt Clayton Crump Davis 122  
Davis 63 Days Dolan Dougherty Farnen  
Fitzwater Foley Franklin Gambaro George  
Graham 24 Gratz Green Griesheimer Hagan-Harrell  
Hampton Harlan Hickey Hollingsworth Hoppe  
Kelly 27 Kennedy Kissell Lawson Leake  
Liese Luetkenhaus May 108 Mays 50 McBride  
McKenna Murray Nordwald O'Connor O'Toole  
Overschmidt Parker Relford Reynolds Richardson  
Riley Seigfreid Selby Smith Thompson 72  
Treadway Tudor Wagner Ward Wiggins  
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Barry 100 Bartle Bonner Carter Daniel  
Gunn Hosmer Kreider McLuckie Naeger  
Reid Rizzo Scheve Secrest Thompson 37  
Troupe Vogel Williams 121

VACANCIES: 002

Representative Crump moved the previous question.

Which motion was defeated by the following vote:

AYES: 080

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Clayton Crump Davis 122 Davis 63  
Days Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Griesheimer Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Kelly 27 Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Liese  
Luetkenhaus May 108 Mays 50 McBride McKenna

Merideth Monaco Murray Nordwald O'Connor  
O'Toole Overschmidt Parker Ransdall Relford  
Reynolds Riley Rizzo Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Thompson 72 Treadway Van Zandt Wagner  
Ward Wiggins Williams 159 Wilson Mr. Speaker

NOES: 069

Akin Alter Ballard Barnett Bartelsmeyer  
Bennett Berkstresser Black Blunt Boatright  
Burton Champion Chrismer Cierpiot Crawford  
Dolan Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Gross  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hohulin Holand Howerton Kasten Kelley 47  
King Klindt Legan Levin Linton  
Lograsso Long Loudon Luetkemeyer Marble  
McClelland Miller Murphy Myers Naeger  
Ostmann Patek Pouche Pryor Purgason  
Reinhart Richardson Ridgeway Robirds Ross  
Sallee Schwab Scott Shields Summers  
Surface Townley Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartle Carter Daniel Gunn Hosmer  
McLuckie Reid Secrest Thompson 37 Troupe  
Vogel Williams 121

VACANCIES: 002

**HJR 20, as amended**, was laid over.

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 37** - Accounts, Operations and Finance

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

## REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SS SCS SBs 1, 92, 111, 129 & 222** - Judiciary

**SCS SB 248** - Motor Vehicle and Traffic Regulations

**SCS SBs 392, 393 & 267** - Motor Vehicle and Traffic Regulations

**HCS SB 399** - Fiscal Review (Fiscal Note)

**SS SCS SB 525** - Miscellaneous Bills and Resolutions

## COMMITTEE REPORTS

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SB 326**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCR 13**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Missouri Tobacco Settlement**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Missouri Tobacco Settlement, to which was referred **SS#2 SB 288**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **SB 451**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HCR 35**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## House Concurrent Resolution No. 35

Relating to naming the Kansas City State Office Building the Fletcher Daniels Missouri State Office Building.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, March 26, 1999, the date of Fletcher Daniels' death, marked the end of a career which exemplified the ideals of a truly dedicated public servant; and

WHEREAS, Fletcher Daniels began his career as a public servant in 1946, when he joined the United States Postal Service where he worked until his retirement after thirty years of faithful public service; and

WHEREAS, Fletcher Daniels' outstanding leadership abilities became evident when in 1950 he was elected president of Local 906 of the National Alliance of Postal and Federal Employees and continued to serve in that post for ten years; and



WHEREAS, dedicated to his community, Representative Daniels served with distinction as Dean of the Kansas City School Board, Vice President of the Kansas City NAACP, advisory board member of the Kansas City Chapter of the Urban League, and as Executive Director of the Kansas Metropolitan Senior Citizens Center; and

WHEREAS, Fletcher Daniels was elected to the Missouri House of Representatives in 1984 in a special election which marked the beginning of a brilliant political career that spanned the course of fifteen years representing the Forty-first Legislative District in Kansas City; and

WHEREAS, throughout his illustrious tenure as a state legislator, Representative Daniels fought for causes in which he so ardently believed and earned the respect of many for his deep commitment as a true warrior and tireless advocate for the working people and the poor; and

WHEREAS, the members of the Missouri House of Representatives recognized Fletcher Daniels for his dedication to public service and his leadership abilities by being the first black legislator to be elected to the prestigious and powerful post of Speaker Pro Tem:

NOW, THEREFORE, BE IT RESOLVED that in tribute and respect for Fletcher Daniels' long tenure of public service, the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby declare that the Kansas City State Office Building, 615 E. 13th Street, Kansas City, Missouri, shall hereinafter be known as the Fletcher Daniels Missouri State Office Building; and

BE IT FURTHER RESOLVED that the Office of Administration shall be instructed to make appropriate changes to all printed materials and signs to reflect this action in commemoration of this great Missourian; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Office of Administration and Mrs. Sybil Daniels.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SS SCS SBs 14, 60 & 69**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 282**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### **SUPPLEMENTAL CALENDAR**

**(APRIL 27, 1999)**

#### **SENATE BILLS FOR THIRD READING**

HCS SS#2 SB 288 - McLuckie

HCS SB 405 - Murray

HCS SCS SBs 31 & 285, E.C. - Seigfreid

SB 4 - Thompson (37)

HCS SB 399, E.C., (Fiscal Review 4-27-99) - Davis (122)

SB 76 - Shelton

HCS SB 196 - Rizzo

SB 32 - Luetkenhaus

#### **INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and copies ordered printed:

**HB 1064**, introduced by Representative Levin, relating to the outstanding public schools accountability act.

#### COMMITTEE CHANGES

The Speaker submitted the following committee changes:

Representative Van Zandt has been removed as a member of the Motor Vehicle and Traffic Regulations Committee effective April 8, 1999, at which time he was also removed as Vice-Chair of said committee.

Representative Riley has been appointed to the following committees:

Children, Youth and Families

Commerce

Labor

Tourism, Recreation and Cultural Affairs

Urban Affairs

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 79**, entitled:

An act to repeal section E, Proposition A, adopted by the registered voters of the State of Missouri on November 3, 1998, and to enact in lieu thereof one new section, for the sole purpose of correcting technical errors in the drafting of section E, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 185**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 265**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 352**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 861**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS#2 SB 25** and has taken up and passed **HCS#2 SB 25**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 34** and has taken up and passed **HCS SB 34**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 357** and has taken up and passed **SB 357, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 218** and has taken up and passed **HCS SB 218**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SCS SB 159** and has taken up and passed **SCS SB 159, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 214** and has taken up and passed **HCS SB 214**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 1 to SB 414** and has taken up and passed **SB 414, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 234** and has taken up and passed **HCS SCS SB 234**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 270** and has taken up and passed **HCS SB 270**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 426** and has taken up and passed **HCS SB 426**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HS HCS HB 274**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 814**, entitled:

An act relating to escrow accounts for tobacco product manufacturers, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

#### **WITHDRAWAL OF HOUSE CONCURRENT RESOLUTION**

April 26, 1999

The Honorable Steve Gaw, Speaker

Room 308, State Capitol

Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request **House Concurrent Resolution No. 36** be withdrawn for further consideration.

Thank you for your time and attention to this matter.

Sincerely,

/s/ Representative Bill Boucher

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 28, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-eighth Day, Monday, April 26, 1999, page 1502, lines 17 through 21, by deleting all of said lines and inserting in lieu thereof the following:

#### **COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Shields is no longer a member of the Conference Committee on **SCS HCS HB 12**.

Representative Gross has been appointed a member of the Conference Committee on **SCS HCS HB 12**.

Page 1486, line 16, by deleting the name "Ward" and inserting in lieu thereof the name "Smith".

Pages 1485 and 1486, roll call, by showing Representatives Franklin and Hilgemann voting "aye" rather than "absent with leave".

Pages 1487 and 1488, roll call, by showing Representative Hilgemann voting "aye" rather than "absent with leave".

Page 1488, roll call, by showing Representative Hilgemann voting "aye" rather than "absent with leave".

Page 1489, roll call, by showing Representative Hilgemann voting "aye" rather than "absent with leave".

Page 1490, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Pages 1491 and 1492, roll call, by showing Representative Bartle voting "aye" rather than "absent with leave".

Pages 1492 and 1493, roll call, by showing Representative Fraser voting "aye" rather than "absent with leave".

Pages 1493 and 1494, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Page 1494, roll call, by showing Representatives Crump, Dolan and Ross voting "aye" rather than "absent with leave".

Page 1496, roll call, by showing Representatives Black, Crump, Dolan, Kasten and Kennedy voting "aye" rather than "absent with leave".

Pages 1498 and 1499, roll call, by showing Representatives Mays (50) and Long voting "aye" rather than "absent with leave".

Pages 1498 and 1499, roll call, by showing Representative Graham (24) voting "aye" rather than "no".

Pages 1500 and 1501, roll call, by showing Representatives Burton, Long, Scott and Surface voting "aye" rather than "absent with leave".



Pages 1500 and 1501, roll call, by showing Representative Liese voting "no" rather than "absent with leave".

Pages 1500 and 1501, roll call, by showing Representative Rizzo voting "no" rather than "aye".

Correct House Journal, Fifty-first Day, Tuesday, April 13, 1999, page 1219, lines 25 through 29, by deleting all of said lines and inserting in lieu thereof the following:

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 159, Page 1, Section 135.550, Line 3, by inserting after the word "**securities**" the phrase ", **or real property**"; and

Further amend said bill, Page 3, Section 135.600, Line 3, by inserting after the word "**securities**" the phrase ", **or real property**".

#### COMMITTEE MEETINGS

##### ACCOUNTS, OPERATIONS, AND FINANCE

Wednesday, April 28, 1999. Room 414 upon morning adjournment. Executive session to follow.

To be considered - HCR 37

##### CONFERENCE COMMITTEE - APPROPRIATIONS

Wednesday, April 28, 1999, 8:00 am. Senate Committee Rooms 2 and 2. House Bills 2 through 12. Hearing will resume at 8:00pm

##### CRIMINAL LAW

Wednesday, April 28, 1999, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 94, SB 328, SB 371

##### CRITICAL ISSUES

Wednesday, April 28, 1999. Hearing Room 7 upon morning adjournment.

To be considered - Executive Session - SB 338

##### ETHICS

Thursday, April 29, 1999. Northeast side gallery upon adjournment. Caucus additions.

##### FISCAL REVIEW

Wednesday, April 28, 1999, 8:30 am. Hearing Room 6. Executive session.

To be considered - SB 33, SB 294, SB 310

##### FISCAL REVIEW

Thursday, April 29, 1999, 8:30 am. Hearing Room 6. Executive session.

(Fiscal Note)

To be considered - HB 826, SB 8, SB 308, SB 346

##### JUDICIARY

Thursday, April 29, 1999, 9:00 am. Hearing Room 5. Executive session may follow.

To be considered - SB 1

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 28, 1999, 9:00 am. Hearing Room 8.

To be considered - Executive Session - SB 373

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Wednesday, April 28, 1999. Side gallery upon morning adjournment.

CANCELLED.

To be considered - Executive Session - SB 70

#### SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Wednesday, April 28, 1999. Side gallery upon morning adjournment.

Executive session.

#### STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, April 28, 1999, 9:30 am. Hearing Room 1.

To be considered - SCR 15

#### SUBCOMMITTEE ON PROFESSIONAL REGISTRATION

Wednesday, April 28, 1999, 8:30 am. Hearing Room 7.

To be considered - HB 197

#### TRANSPORTATION

Wednesday, April 28, 1999, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 19

#### UTILITIES REGULATION

Thursday, April 29, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - SB 495

#### HOUSE CALENDAR

SIXTIETH DAY, WEDNESDAY, APRIL 28, 1999

#### HOUSE BILL FOR SECOND READING

HB 1064

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

#### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 19, HCAs 1,2 & 3 - Franklin

#### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz

9 HB 519 - Relford

10 HCS HB 535 - May (108)

11 HB 406 - Mays (50)

12 HB 146, HCA 1 - Wiggins

13 HB 787 - Wiggins

14 HB 59, HCA 1 - Boucher

15 HB 699, HCA 1 - Kreider

16 HCS HB 142 - Campbell

17 HCS HB 488, 206 & 357 - May (108)

18 HB 85 - Troupe

19 HCS HB 200 - Troupe

20 HCS HB 89 - Troupe

21 HB 717 - Harlan

22 HCS HB 160 - O'Toole

23 HCS HB 730 - Leake

24 HCS HB 194 - Reynolds

25 HCS HB 908 - McBride

26 HB 105 - Scheve

27 HCS HB 54 - Boucher

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve

2 HCS HB 643, 710 & 711 - Bray

3 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READ-LAW**

HCR 35, (4-27-99) - Thompson (37)

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

1 HCS HB 18 - Franklin

2 HB 15 - Franklin

3 HB 16 - Franklin

**HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HCS HB 826, (Fiscal Review 4-26-99) - Harlan

**HOUSE BILL FOR THIRD READING - CONSENT**

HB 691 - Miller

**SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 14, HCA 1 (3-10-99, pg. 759) - Skaggs

2 HCS SCR 2, (3-29-99, pg. 930) - Mays (50)

3 SCR 11, (2-10-99, pg. 347) - Johnson

4 SCR 10, (2-9-99, pg. 330) - Bonner

5 SCR 1, (3-2-99, pgs. 594 & 595) - O'Toole

6 SCR 13, (4-6-99, pg. 105) - Franklin

7 HCS SCR 5, (2-9-99, pg. 328) - Hoppe

**SENATE JOINT RESOLUTION FOR THIRD READING**

SJR 25

**SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)

2 SB 310, (Fiscal Review 4-21-99) - Leake

3 HCS SB 33, (Fiscal Review 4-26-99) - Farnen

4 HCS SCS SB 436 - Hoppe

5 SB 294, (Fiscal Review 4-26-99) - Koller

6 HCS SCS SB 308 & 314, (Fiscal Review 4-26-99) - Skaggs

7 SB 403 - Franklin

8 HCS SCS SB 346, (Fiscal Review 4-26-99) - Days

9 HCS SCS SB 8 & 173, (Fiscal Review 4-26-99) - Ladd Stokan

10 HCS SS#2 SB 288 - McLuckie

11 HCS SCS SB 405 - Murray



12 HCS SCS SB 31 & 285, E.C. - Seigfreid

13 SB 4 - Thompson (37)

14 HCS SB 399, E.C., (Fiscal Review 4-27-99) - Davis (122)

15 SB 76 - Shelton

16 HCS SB 196 - Rizzo

17 SB 32 - Luetkenhaus

#### **SENATE BILL FOR THIRD READING - INFORMAL**

HCS SS#2 SB 163 - Kelly (27)

#### **SENATE BILLS FOR THIRD READING - CONSENT - INFORMAL**

1 SB 401 - McBride

2 SB 277 - Wagner

3 HCS SCS SB 170 - Pryor

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 34, SCA 1 - Auer

2 SCS HB 79, E.C. - Ransdall

#### **BILL CARRYING REQUEST MESSAGES**

SCS HB 789, (House request Senate recede/grant conf) - Berkstresser

#### **BILLS IN CONFERENCE**

1 SCS HCS HB 2 - Lakin

2 SCS HCS HB 3 - Lakin

3 SCS HCS HB 4, as amended, - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Franklin

6 SCS HCS HB 7 - Franklin

7 SCS HCS HB 8 - Lakin

8 SCS HCS HB 9 - Franklin

9 SCS HCS HB 10, as amended, - Carter

10 SCS HCS HB 11, as amended, - Troupe

11 SCS HCS HB 12 - Green

12 SCS HCS HB 348 - Smith

13 CCR SCS HB 248 - Kissell

14 HS HCS SB 291, as amended, E.C. - Dougherty

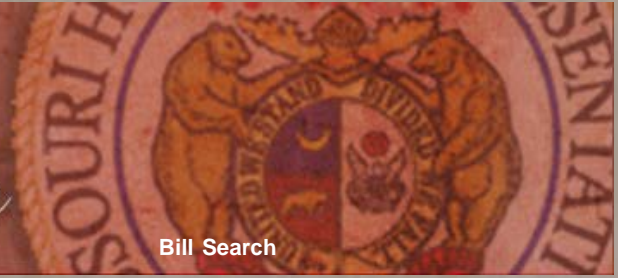
#### **HOUSE RESOLUTION**

HR 502, (4-7-99, pg. 1093) - Luetkenhaus



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SIXTIETH DAY, Wednesday, April 28, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

O God, when we are uncertain and perplexed but must take some action, when we must do something, then we need Your help. O God, in our choices let us not ask, "Will it work?", but rather, "Is it right?"

In this House many matters are being decided. Grant to each member an awareness that as we reach up to You seeking Your help, that You are reaching down to us.

Help us to ask, and asking, help us to listen.

Bless our nation. Bless our state. Bless this House. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Thaddeus Stephenson, Emily Johnson, Brian Fulk, Tim Calkin, Justin Wilson, Jesse Stricker, Holly Long, Christopher G. Arwood, Alisha A. Curry, Lilly Bell, David Bell, Josiah Bell, Kaycie Berhorst, Matthew Muenks, Abbie Lauberth, Preston Feltrop, Erin Riggs, Megan Whitney, Andrew Kiely, Courtney Weigand, Megan Whitney, Melissa Pennington, Jennifer S. Hengst, David B. Hengst, Lili Nguyen, Nick Pierce, Rachel McCormick, Matt Wilson, Anna Cox, Dannie Hunt, Rachel Meeks, Sheena Lance, Matthew Smith, Angie Daily, Nick Helzer, Allen Staley, Daniel Yates, Beth Wilmes, Christopher Miller, Becky Miller, Melinda Odom, Kelonia Clay, Marcus Milner, Alexandra Milner, Silver Owens, Nathan Bundy, Corey Nees, Becky Bryan, Charlie Creamer, Trivonea Williams, Jamall Phillips, Danielle Parrish and Gary Richardson.

The Journal of the fifty-ninth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1087 - Representative Crawford

House Resolution No. 1088 and House Resolution No. 1089 - Representative Farnen

House Resolution No. 1090 - Representative Bonner

House Resolution No. 1091 - Representative Fitzwater

House Resolution No. 1092 through House Resolution No. 1094 - Representative Hartzler (124)

House Resolution No. 1095 through House Resolution No. 1108 - Representatives Hendrickson and Barry

House Resolution No. 1109 through House Resolution No. 1122 - Representatives Hendrickson and Enz

House Resolution No. 1123 through House Resolution No. 1136 - Representative Treadway

House Resolution No. 1137 - Representative Pouche

House Resolution No. 1138 - Representative Fitzwater

## SECOND READING OF HOUSE BILL

**HB 1064** was read the second time.

## HOUSE RESOLUTION

**HR 502**, relating to interim committee on domestic violence, was taken up by Representative Luetkenhaus.

Representative Gibbons offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Resolution No. 502, Page 1093, Line 11, by adding after the words "nine members of the House" the following:

"with no more than five members of one party".

On motion of Representative Gibbons, **House Amendment No. 1** was adopted.

On motion of Representative Luetkenhaus, **HR 502, as amended**, was adopted.

## BILL IN CONFERENCE

**CCR SCS HB 248**, relating to offenses against police animals, was taken up by Representative Kissell.

On motion of Representative Kissell, **CCR SCS HB 248** was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hendrickson Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Lakin Lawson  
Leake Legan Levin Linton Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pryor Purgason  
Ransdall Reid Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 004

Hegeman Hickey Kreider Liese

PRESENT: 000

ABSENT WITH LEAVE: 008

Bartelsmeyer Dougherty Lograsso McLuckie Pouche  
Reinhart Secrest Williams 121

VACANCIES: 002

On motion of Representative Kissell, **CCS SCS HB 248** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106



Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hendrickson Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Lakin Lawson  
Leake Legan Levin Linton Long  
Loudon Luetkemeyer Marble May 108 Mays 50  
McBride McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 004

Hegeman Hickey Kreider Liese

PRESENT: 000

ABSENT WITH LEAVE: 008

Boatright Dougherty Lograsso Luetkenhaus McClelland  
McLuckie Secrest Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Auer moved that motion lay on the table.

The latter motion prevailed.

## HOUSE BILL WITH SENATE AMENDMENT

**SCS HB 79**, relating to animal fighting, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **SCS HB 79** was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Relford

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 159 Wilson Wright Mr. Speaker

NOES: 005

Harlan Liese Murphy Reynolds Selby

PRESENT: 000

ABSENT WITH LEAVE: 007

Bennett Kennedy Linton McLuckie Reinhart  
Secrest Williams 121

VACANCIES: 002

On motion of Representative Ransdall, **SCS HB 79** was truly agreed to and finally passed by the following vote:

AYES: 146

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Hagan-Harrell  
Hampton Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Seigfreid Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 159 Wilson Wright  
Mr. Speaker

NOES: 008

Auer Gunn Hanaway Harlan Kennedy

Murphy Reynolds Selby

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer Dolan Linton McLuckie Richardson

Secrest Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hosmer Howerton Kasten

Kelley 47 Kelly 27 King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Long Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Scott

Seigfreid Selby Shelton Shields Skaggs



Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 159  
Wilson Mr. Speaker

NOES: 007

Harlan Kennedy Lograsso Merideth Murphy  
Reynolds Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer Dolan Hollingsworth Hoppe Linton  
Luetkenhaus McLuckie Richardson Schwab Secrest  
Wiggins Williams 121

VACANCIES: 002

On motion of Representative Fraser, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

### **THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 18**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HCS HB 18** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 King Kissell  
Klindt Koller Kreider Lakin Lawson  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Van Zandt  
Vogel Wagner Ward Williams 159 Wilson  
Wright Mr. Speaker

NOES: 008

Blunt Hanaway Hohulin Kennedy McBride  
Patek Pryor Tudor

PRESENT: 000

ABSENT WITH LEAVE: 006

Dolan Leake McLuckie Secrest Wiggins  
Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Wagner, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

**HB 15**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 15** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Williams 159 Wilson Mr. Speaker

NOES: 004

Blunt Hanaway Hohulin Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Dolan Luetkenhaus McLuckie Murphy Pryor

Secrest Wiggins Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Berkowitz moved that motion lay on the table.

The latter motion prevailed.

**HB 16**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 16** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve



Schilling Schwab Scott Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Mr. Speaker

NOES: 006

Blunt Hanaway Hohulin Murphy Pryor  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Dolan McLuckie Secrest Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE JOINT RESOLUTION

**SJR 25**, relating to budget reserve fund, was taken up by Representative Franklin.

On motion of Representative Franklin, **SJR 25** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Backer Boatright Dolan Luetkenhaus Marble

McLuckie Secrest Stokan Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF SENATE BILL**

**HCS SCS SB 436**, relating to ambulance service, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SCS SB 436**.

Representative Bonner offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 10, Section 190.044, Lines 11 to 23, by deleting all of said lines; and

Further amend said bill, Page 11, Section 190.044, Lines 1 to 5, by deleting all of said lines.

Representative Bonner moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Abel Auer Backer Barry 100 Bonner

Boucher Boykins Bray 84 Britt Campbell

Cierpiot Clayton Crump Davis 122 Davis 63

Dougherty Farnen Foley Gambaro George

Graham 24 Green Hagan-Harrell Hampton Hickey

Hollingsworth Kelly 27 Kennedy King Kissell

Kreider Lakin Lawson Levin Liese

May 108 McBride McKenna Murphy Murray

O'Connor O'Toole Parker Ransdall Reid

Reynolds Riley Rizzo Scheve Selby

Skaggs Summers Treadway Van Zandt Wagner

Ward Williams 159 Wright Mr. Speaker

NOES: 095

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkowitz Berkstresser Black

Blunt Boatright Burton Carter Champion

Chrismer Crawford Daniel Days Dolan

Elliott Enz Evans Fitzwater Ford

Foster Franklin Fraser Froelker Gaskill

Gibbons Graham 106 Gratz Griesheimer Gross

Gunn Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hilgemann Hohulin Holand

Hoppe Hosmer Howerton Kasten Kelley 47

Klindt Koller Leake Legan Linton

Lograsso Long Loudon Luetkemeyer Marble  
McClelland Merideth Miller Myers Naeger  
Nordwald Ostmann Overschmidt Patek Pouche  
Pryor Purgason Reinhart Relford Ridgeway  
Robirds Ross Sallee Schilling Schwab  
Scott Seigfreid Shelton Shields Smith  
Stokan Surface Thompson 37 Thompson 72 Townley  
Troupe Tudor Vogel Wiggins Wilson

PRESENT: 001

Monaco

ABSENT WITH LEAVE: 006

Luetkenhaus Mays 50 McLuckie Richardson Secrest  
Williams 121

VACANCIES: 002

Representative Ostmann offered **House Amendment No. 2**

**House Amendment No. 2** was withdrawn.

Representative Pouche offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 10, Section 190.044, Line 19 of said page, by deleting the words "**ambulance service**" and inserting in lieu thereof the words "**city or entity**".

On motion of Representative Pouche, **House Amendment No. 2** was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 436, as amended**, was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 436, as amended**, was read the third time and passed by the following vote:

AYES: 129

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Boatright Boucher Boykins  
Bray 84 Britt Burton Campbell Champion  
Chrismer Cierpiot Clayton Crawford Crump



Davis 122 Davis 63 Days Dolan Elliott  
Enz Farnen Fitzwater Foley Ford  
Franklin Fraser Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Harlan Hartzler 124 Hegeman Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Lawson Leake  
Legan Levin Linton Luetkemeyer Luetkenhaus  
Marble May 108 McBride McKenna Merideth  
Miller Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Ridgeway  
Robirds Ross Sallee Scheve Schilling  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Mr. Speaker

NOES: 014

Bartelsmeyer Blunt Evans Foster Hanaway  
Hendrickson Lakin Lograsso Loudon McClelland  
Murphy Riley Rizzo Wright

PRESENT: 001

Monaco

ABSENT WITH LEAVE: 017

Akin Bonner Carter Daniel Dougherty  
Froelker Hartzler 123 Howerton Kreider Liese  
Long Mays 50 McLuckie Richardson Schwab  
Secrest Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

#### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 33 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SB 294 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SB 310 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### SIGNING OF SENATE BILLS

All other business of the House was suspended while **HCS SCS SB 218** and **HCS SCS SB 234** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

#### THIRD READING OF SENATE BILLS

**SB 310**, relating to ethanol producer incentive fund, was taken up by Representative Leake.

Representative Leake offered **HS SB 310**.

Representative Lograsso raised a point of order that the **House Substitute** exceeds the scope of the bill.

The Chair placed the point of order under advisement.

**SB 310, with point of order and HS, pending**, was laid over.

**HCS SB 33**, relating to sales tax on college textbooks, was taken up by Representative Farnen.

Representative Bennett offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 33, Page 1, Section 144.517, Line 7, by inserting the following:

[, provided that the institution shall issue a list of approved required textbooks for the student to provide to said bookstore as proof that such book is considered a textbook by that institution]

Representative Gibbons offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Shields raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not a true substitute amendment.

The Chair ruled the point of order well taken.

**HCS SB 33, with House Amendment No. 1, pending**, was laid over.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 867**, entitled:

An act to amend chapter 336, RSMo, relating to powers of the board of optometry by adding thereto one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 867, Page 1, Section 336.115, Line 10, by striking the words "substantial probability of".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 792**, entitled:

An act to repeal section 320.230, RSMo 1994, relating to certain state fire investigators, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HS HCS HB 256**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 268**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 327**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 979**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 152**, entitled:

An act to repeal section 261.105, RSMo Supp. 1998, relating to sustainable agricultural demonstration awards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 334** and requests the House to recede from its position and take up and pass the bill, and failing to do so grant the Senate a conference thereon.

## HOUSE BILL WITH SENATE AMENDMENT

**HCS SCS SB 334**, relating to "Brownfields" cleanup, include residential property, was taken up by Representative Wiggins.

Representative Wiggins moved that the House refuse to recede from its position on **HCS SCS SB 334** and grant the Senate a conference and the conferees be allowed to exceed the differences in the bill, section 644.143, line 17 (5), by adding after the word "other" the word "scientific".

Which motion was adopted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS SCS SB 334**: Representatives Wiggins, May (108), Foley, Marble and Crawford

On motion of Representative Crump, the House recessed until 2:15 p.m.

## AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Adam Smith, Mandy Robb, Mike McCurdy, Emily Mefford, Erica Hogan, Ike Williams, Jesse Davis, Emmy Potter, Mack Means, Catlin Wisdom, John Kirby and Millie Osburn.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1139 - Representatives George and Green

House Resolution No. 1140 - Representative Graham (24)

House Resolution No. 1141 - Representative Berkowitz

House Resolution No. 1142 - Representative Howerton

House Resolution No. 1143 - Representative Hegeman

House Resolution No. 1144 and House Resolution No. 1145 - Representative Lograsso

House Resolution No. 1146 through House Resolution No. 1148 - Representative Britt

House Resolution No. 1149 - Representative Boykins

House Resolution No. 1150 through House Resolution No. 1152 - Representative Troupe

## THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCR 35**, relating to naming the Fletcher Daniels Missouri State Office Building, was taken up by Representative Thompson (37).

On motion of Representative Thompson (37), **HCR 35** was read the third time and passed by the following vote:

AYES: 145



Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Blunt Boatright Bonner Boucher Boykins  
Britt Burton Campbell Carter Champion  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Reid

ABSENT WITH LEAVE: 015

Akin Berkowitz Berkstresser Black Bray 84

Chrismer Hagan-Harrell Hohulin Kasten Lakin

Merideth Pryor Townley Williams 121 Williams 159

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Abel, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILLS

**HCS SB 33, with House Amendment No. 1, pending**, relating to sales tax on college textbooks, was again taken up by Representative Farnen.

Representative Champion offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 33, Page 1, Section 144.517, Line 7, by inserting the following:

[, provided that the institution shall issue a list of approved required textbooks for the student to provide to said bookstore as proof that such book is considered a textbook by that institution]; and

Further amend said bill, page 1, section 144.517, line 7, by inserting after the word "field" the following:

**", provided that the books which are exempt from state sales tax are those required or recommended for class, upon request the institution or department must provide at least one list of textbooks to the bookstore each semester, alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks."**

On motion of Representative Champion, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Scheve offered **House Amendment No. 2**.

Representative Farnen raised a point of order that **House Amendment No. 2** goes beyond the scope of the House Committee Substitute.

The Chair ruled the point of order well taken.

Representative Koller offered **House Amendment No. 2**.

Representative Farnen raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gibbons offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 33, Page 1, Section 144.517, by repealing said section in its entirety.

Representative Gibbons moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 007

Akin Gibbons Hohulin Murphy Nordwald

Pryor Robirds

NOES: 147

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartle Bennett Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Fraser Froelker Gambaro Gaskill

George Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Treadway Troupe Tudor Van Zandt

Vogel Wagner Wiggins Williams 159 Wilson

Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer Berkowitz Franklin Kelly 27 Townley

Ward Williams 121

VACANCIES: 002

On motion of Representative Farnen, **HCS SB 33, as amended**, was adopted.

On motion of Representative Farnen, **HCS SB 33, as amended**, was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Fraser Froelker Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface



Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Wiggins

Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Gibbons

PRESENT: 000

ABSENT WITH LEAVE: 006

Bartelsmeyer Berkowitz Franklin Pryor Ward

Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**SB 310, with point of order and HS, pending**, relating to ethanol producer incentive fund, was again taken up by Representative Leake.

The **point of order** and **HS** were withdrawn.

Representative Leake offered **HS SB 310**.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 7 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word and number "and 11" and inserting in lieu thereof the following: ", 11, 12, 13, 14 and 15"; and

Further amend said bill, Page 21, Section 11, Line 2 of said page, by inserting after all of said line the following:

**"Section 12. As used in sections 12 to 15 of this act, the following terms mean:**

**(1) "Alternative fuel", the same meaning as in section 414.400, RSMo;**

**(2) "Division", the division of energy of the department of natural resources;**

(3) "Fueling station", the equipment and property directly related to dispensing of an alternative fuel into the fuel tank of a vehicle propelled by such fuel, including the compression equipment and storage vessels for such fuel at the location where such fuel is dispensed;

(4) "Fund", the Missouri alternative fuel vehicle loan fund;

(5) "Incremental cost", the difference in cost between a vehicle that operates on conventional fuel and the cost of the same model vehicle equipped to operate on an alternative fuel;

(6) "Political subdivision", any county, township, municipal corporation, school district or other governmental unit in this state, but not including any state agency as such term is defined in section 536.010, RSMo; and

(7) "Vehicle fleet", any fleet owned and operated by a political subdivision and comprised of ten or more motor vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301, RSMo.

Section 13. 1. On or before July 1, 2000, the division shall have developed an administrative plan for implementing a program that provides financial assistance to political subdivisions for establishing the capability of using alternative fuels in their vehicle fleets.

2. The program shall accept applications for loans from political subdivisions with vehicle fleets for the:

(1) Purchase of new motor vehicles capable of using alternative fuels;

(2) Conversion of motor vehicles which operate on gasoline to enable such vehicles to operate on an alternative fuel; and

(3) Construction of fueling stations capable of dispensing alternative fuels.

3. The division shall evaluate plans developed by applicants for converting their vehicle fleets to operate on alternative fuels, and shall give preference in making loans to those applicants who are prepared to make substantial investments of their own funds in converting their vehicle fleets and who will work cooperatively with the state, other political subdivisions, and private entities in developing a fueling infrastructure capable of dispensing alternative fuels in this state.

4. The division may promulgate any rules necessary to carry out the provisions of sections 12 to 15 of this act. No rule or portion of a rule promulgated pursuant to sections 12 to 15 of this act shall take effect unless it has been promulgated pursuant to chapter 536, RSMo.

Section 14. 1. Using the fund created in section 15 of this act, the division shall provide loans of:

(1) A maximum of two thousand dollars for the incremental cost of purchasing a new vehicle capable of operating on an alternative fuel;

(2) A maximum of two thousand dollars for the conversion of a new or existing vehicle designed to operate on gasoline to enable such vehicle to operate on an alternative fuel; and

(3) A maximum of one hundred thousand dollars for the construction of a fueling station capable of dispensing an alternative fuel.

2. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the purchase or conversion of alternative fuel vehicles in any one year.

3. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the construction of fueling stations in any one year.

4. The division shall establish the interest rate and terms of repayment for each loan agreement established pursuant to sections 12 to 15 of this act. In establishing the repayment schedule, the division shall consider the projected savings to the political subdivision resulting from use of an alternative fuel, but such repayment schedule shall be for a maximum repayment period of four years and shall include provisions for payments to be made on a monthly basis.

5. Any political subdivision that receives a loan pursuant to sections 12 to 15 of this act shall:

(1) Remit payments on the repayment schedule established by the division;

(2) Agree to use the alternative fuel for which vehicles purchased with the aid of such loans were designed;

(3) Provide reasonable data requested by the division on the use and performance of vehicles purchased with the aid of such loans;

(4) Allow for reasonable inspections by the division of vehicles purchased and fueling stations constructed with the aid of such loans; and

(5) Make fueling stations constructed with the aid of such loans available for use at reasonable cost by the vehicle fleets of other political subdivisions and, with consideration of the capacity of such fueling stations, by the general public.

**Section 15. 1. There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly, repayments by political subdivisions of loans made pursuant to sections 12 to 15 of this act including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of sections 12 to 15 of this act.**

**2. The state treasurer shall deposit all of the moneys in the fund into any of the qualified depositories of this state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.**

**3. The fund shall be used solely for the purposes of sections 12 to 15 of this act and for no other purpose."**

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Leake offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 7 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "9, 10 and 11" and inserting in lieu thereof the following: "9 and 10".

On motion of Representative Leake, **House Amendment No. 2** was adopted.

Representative Wiggins offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for Senate Bill No. 310, Page 15, Section 1, Line 24 of said page, by inserting immediately after the word "agency" the following: ", **any cattle buyer who purchases twenty or fewer cattle per day or one hundred or fewer cattle per week, any hog buyer who purchases fifty or fewer hogs per day or two hundred fifty or fewer hogs per week, or any sheep buyer who purchases fifty or fewer sheep per day or two hundred fifty or fewer sheep per week**"; and

Further amend said bill, Page 17, Section 6, Line 22 of said page, by deleting the word "**twenty**" and inserting in lieu thereof the word "**fourteen**".

On motion of Representative Wiggins, **House Amendment No. 3** was adopted.

Representative Hegeman offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for Senate Bill No. 310, Page 18, Section 6, Line 11 of said page, by inserting after all of said line the following:

**"6. In the event a federal law regarding livestock price reporting becomes effective, the department of agriculture shall immediately adopt such rules as are necessary to permit Missouri producers and packers to remain economically competitive with producers and packers in other states."**

On motion of Representative Hegeman, **House Amendment No. 4** was adopted.

Representative Summers offered **House Amendment No. 5.**



*House Amendment No. 5*

AMEND House Substitute for Senate Bill No. 310, Page 18, Section 6, Line 11 of said page, by inserting after all of said line the following:

**"6. Sections 1 to 6 of this act shall expire December 31, 2002."**

On motion of Representative Summers, **House Amendment No. 5** was adopted.

Representative Howerton offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for Senate Bill No. 310, Page 16, Section 2, Line 3 of said page, by inserting immediately after the word **"livestock."** the following:

**"The provisions of this section shall not be construed to mean that a price or payment method must remain fixed throughout any marketing period."**

On motion of Representative Howerton, **House Amendment No. 6** was adopted.

Representative Klindt offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 2 of said page, by inserting immediately after the number "267.610" the following: ", 292.606"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting immediately after the number "267.610" the following: ", 292.606"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting immediately after the number "276.401," the number "292.606,"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "9, 10 and 11" and inserting in lieu thereof the following: "9 and 10"; and

Further amend said bill, Page 13, Section 276.401, Line 20 of said page, by inserting after all of said line the following:

"292.606. 1. Fees shall be collected for a period of ten years from August 28, 1992. The commission shall review the adequacy of the fees imposed in this section and shall present its assessment to affected departments and the respective committees of jurisdiction of the house and senate before December 1, 1994.

2. (1) Any employer required to report [under] **pursuant to** subsection 1 of section 292.605, except local governments and family-owned farm operations shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, RSMo, if such person, firm or corporation is paying fees [under] **pursuant to** the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state [under] **pursuant to** the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed [under] **pursuant to** this subsection, such employer shall not be liable for state fees [under] **pursuant to** this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees collected [under] **pursuant to** this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. Except moneys acquired through litigation shall not apply to this cap;



(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri public service commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate;

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission;

(4) If, on March first of each year, fees collected [under] **pursuant to** this section and natural resources damages made available pursuant to section 640.235, RSMo, exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained [herein] **pursuant to this subsection** shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Local emergency planning committees receiving funds [under] **pursuant to** section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds [under] **pursuant to** section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.606, 292.615 and section 640.235, RSMo, shall provide to the commission an annual report of expenditures and activities.

4. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds [under] **pursuant to** this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

5. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

**6. For the purposes of this section, "family-owned farm operations" includes a family farm corporation as defined in section 350.010, RSMo, with a gross income not to exceed one million dollars per year."**

On motion of Representative Klindt, **House Amendment No. 7** was adopted.

Representative Myers offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for Senate Bill No. 310, by inserting on Page 19, Line 20, after the words, Section 10., the following:

"No fresh, frozen, processed or canned meat produced in any foreign country may be sold in retail or wholesale trade or in any way distributed in Missouri, unless said meat products have been certified free of pesticides by country of origin to the satisfaction of the department and processed in packing plants approved by USDA.

Section 11".

On motion of Representative Myers, **House Amendment No. 8** was adopted.

On motion of Representative Leake, **HS SB 310, as amended**, was adopted.

On motion of Representative Leake, **HS SB 310, as amended**, was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton  
Crawford Crump Davis 122 Davis 63 Days  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McKenna McLuckie Merideth  
Miller Monaco Murray Myers Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Wiggins Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer Berkowitz Chrismer Daniel Dolan  
Franklin Kelly 27 McClelland Naeger Pryor  
Ward Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

Representative Crump requested the Proclamation on "Workers Memorial Day" be read.

**Office of the Governor**

**State of Missouri**

**PROCLAMATION**

WHEREAS, each year thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, during Fiscal Year 1998, 139 Missouri workers were killed and 139,024 more were injured in the workplace; and

WHEREAS, the AFL-CIO has chosen April 28, 1999, to be "Workers Memorial Day" in remembrance of the victims of workplace injuries and disease; and

WHEREAS, in support of Workers Memorial day, the State of Missouri will rededicate itself to improving safety and health in every workplace through stronger safety and health protections, better standards and enforcement, and fair and just compensation:

NOW, THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, do hereby proclaim April 28, 1999, to be

**WORKERS MEMORIAL DAY**

in Missouri and urge the citizens of our state to join in the observance by recognizing workers who have been killed, injured and disabled on the job.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 26th day of February, 1999.

The House observed a moment of silence.

**THIRD READING OF SENATE BILL**

**SB 294**, relating to motor vehicles, was taken up by Representative Koller.

Representative Smith offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Bill No. 294, Page 1, Section A, Line 3, by inserting the following after all of said lines:

**"301.141 1. As used in this section, the following terms mean:**

**(1) "Commission", the Missouri commission for the deaf, established by section 161.400, RSMo;**

**(2) "Deaf person", any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversation tone regardless of the use of amplification devices;**



(3) "Hearing impaired person", any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone;

(4) "J88", a notation on a driver's license that indicates the person is a deaf or hearing impaired person who uses alternative communication.

2. The commission shall design and issue a removable windshield placard that may be hung from the rearview mirror of a motor vehicle operated by a deaf or hearing impaired person and a decal which may be affixed to the lower left corner of the rear window of a motor vehicle.

3. Any resident of this state who is a deaf or hearing impaired person may apply to the commission for the placard and the decal described in subsection 2 of this section. The commission, by rule, may establish criteria for issuance and distribution of the placards and decals, such as requiring an applicant to submit certain medical proof of deafness or hearing impairment. The fee for a placard or a decal shall not exceed two dollars.

4. The commission shall promote public awareness of the meaning of the placards and the decals prior to or in conjunction with the issuance thereof.

5. Any resident of this state who is a deaf or hearing impaired person may apply to the Department of Revenue to have the notation "J88" placed on the person's driver's license. The Department of Revenue, by rule, may establish the cost and criteria for placement of the "J88" notation, such as requiring an applicant to submit certain medical proof of deafness or hearing impairment.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Representative Koller raised a point of order that **House Amendment No. 1** is not germane to the title.

The Chair ruled the point of order not well taken.

On motion of Representative Smith, **House Amendment No. 1** was adopted.

Representative Schilling offered **House Amendment No. 2**.

**House Amendment No. 2** was withdrawn.

Representative Ladd Stokan offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND Senate Bill No. 294, Page 2, Section 302.020, Line 34, by inserting after all of said line the following:

"302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 [or 5] of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 [or 5] of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.



3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. [The director of revenue shall issue a commercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits the use of identification numbers by members as being contrary to its religious tenets.

5.] The director of revenue shall issue a **commercial or** noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

[6.] **5.** The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a [certified] statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

[7.] **6.** The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

[8.] **7.** The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as is on the driver's license upon payment of seven dollars and fifty cents if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for seven dollars and fifty cents. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

[9.] **8.** No rule or portion of a rule promulgated [under] **pursuant to** the authority of this chapter shall become effective [until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

10. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

11. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

12. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

13. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

14. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratifies the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

15. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.] **unless it has been promulgated pursuant to the provisions of chapter**

**536, RSMo.**"; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Ladd Stokan, **House Amendment No. 2** was adopted.

Representative Hosmer offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND Senate Bill No. 294, Page 3, Line 14, Section 302.321, by inserting after all of said line the following:

"302.341. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state with a population of at least one thousand fails to dispose of the charges of which he is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until **the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition**, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town or village receives more than forty-five percent of its total annual revenue from fines for traffic violations occurring on state highways, all revenues from such violations in excess of forty-five percent of the total annual revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Hosmer, **House Amendment No. 3** was adopted.

Representative Legan offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND Senate Bill No. 294, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "301.191,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 301.191, 302.020 and 302.321, RSMo Supp. 1998, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.191, 302.020 and"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If



the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's or the Missouri state highway patrol's certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. **If the inspection is completed by the sheriff**, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."

On motion of Representative Legan, **House Amendment No. 4** was adopted.

Representative Dougherty offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND Senate Bill No. 294, Page 3, section 302.321, Line 14, by inserting after said line the following:

**"Section 1. If a motorcycle operator or passenger obtains a head injury while riding on a motorcycle without a helmet, then such operator or passenger must reimburse the state of Missouri for any medical treatment provided with state funds.";** and

Further amend the title and enacting clause accordingly.

Representative Dougherty moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Hartzler (124) offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND Senate Bill No. 294, Page 1, In the Title, Line 2, by deleting the phrase "and 302.321" and inserting in lieu thereof the phrase ", 302.302, 302.321, 304.012 and 577.020"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, In the Title, Lines 3 and 4, by deleting the phrase "with an emergency clause" and inserting in lieu thereof the phrase "with penalty provisions, an effective date and an emergency clause for certain sections"; and

Further amend said bill, Page 3, Section B, Line 5, by inserting after all of said line the following:

"Section C. Sections 302.302, 304.012 and 577.020, RSMo Supp. 1998, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.302, 304.012 and 577.020, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions 2 points  
(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law . 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving

**In violation of subsection 2 of section 304.012, RSMo . 6 points**

In violation of subsection 4 of section 304.016, RSMo . 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a license after suspension or revocation and prior to restoration of operating privileges which have been suspended or revoked 12 points

(6) Obtaining a license by misrepresentation 12 points

(7) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs . 8 points

(8) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight . 12 points

(9) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance . 8 points

(10) Any felony involving the use of a motor vehicle . 12 points

(11) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points



2. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

3. When any of the acts listed in subdivision (2), (3), (4) or (7) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (7), (8) and (9) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (7), (8) and (9) of subsection 1 of this section for offenses arising out of the same occurrence.

4. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 2 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved **or there are aggravating circumstances** then it shall be a class A misdemeanor. **For the purposes of this section, the term "aggravating circumstances" shall be defined as circumstances in which any person suffers death or serious physical injury, as defined in section 565.002, RSMo, as a result of the violation of this section.**

577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.]; or

**(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county**

**or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical

personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person**.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

Section D. Section C of this act shall become effective on January 1, 2000."

Representative Lograsso raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Hartzler (124), **House Amendment No. 6** was adopted.

Representative Parker offered **House Amendment No. 7**.

Representative Lograsso raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Evans offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND Senate Bill No. 294, Page 3, Section 302.321, Line 14, by inserting after said line the following:

**"Section 1. Brakes may be inspected for safety by means of visual inspection or computerized brake testing pursuant to the inspection required in 307.365, RSMo.";** and

Further amend the title and enacting clause accordingly.

Representative Koller raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Smith assumed the Chair.

On motion of Representative Evans, **House Amendment No. 7** was adopted.

Speaker Gaw resumed the Chair.

On motion of Representative Koller, **SB 294, as amended**, was read the third time and passed by the following vote:

AYES: 102

Abel Akin Backer Ballard Bartelsmeyer  
Bartle Bennett Black Blunt Boatright  
Bonner Britt Champion Cierpiot Clayton  
Crawford Crump Davis 122 Davis 63 Dolan  
Elliott Enz Evans Farnen Foley  
Ford Foster Froelker Gratz Griesheimer  
Gross Gunn Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hilgemann Hohulin  
Hoppe Howerton Kelley 47 Kelly 27 King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Liese Lograsso  
Loudon Luetkemeyer Luetkenhaus Marble McBride  
McKenna Merideth Miller Monaco Myers  
Naeger O'Toole Ostmann Overschmidt Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Richardson Ridgeway Rizzo Robirds  
Ross Sallee Schwab Scott Secrest  
Seigfreid Selby Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Townley  
Treadway Tudor Vogel Wagner Williams 159  
Wright Mr. Speaker

NOES: 038

Alter Auer Barnett Barry 100 Boucher  
Boykins Bray 84 Carter Days Dougherty  
Fitzwater Franklin Fraser Gambaro George  
Gibbons Graham 106 Graham 24 Hagan-Harrell Harlan  
Holand Hollingsworth Hosmer Kasten Kennedy  
Levin Long May 108 McClelland McLuckie  
Murphy Murray Reynolds Riley Schilling  
Thompson 72 Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 021

Berkowitz Berkstresser Burton Campbell Chrismer  
Daniel Gaskill Green Hickey Linton  
Mays 50 Nordwald O'Connor Parker Pryor  
Scheve Shelton Troupe Ward Wiggins



Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Backer moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF HOUSE BILL - CONSENT

**HB 691**, relating to funeral processions, was taken up by Representative Crump and was stricken from the calendar.

### COMMITTEE REPORTS

**Committee on Accounts, Operations and Finance**, Chairman Skaggs reporting:

Mr. Speaker: Your Committee on Accounts, Operations and Finance, to which was referred **HCR 37**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Concurrent Resolution No. 37

WHEREAS, accessibility to offices, hearing rooms, and other facilities within the State Capitol continues to fall short of compliance with the Americans with Disabilities Act, thereby denying meaningful access by legislators, staff and visitors to these public spaces; and

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative business in the State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive State Office Space Study and Master Plan, after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, the Sverdrup study declared "The Capitol Building, with the exceptions of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding". And "Many spaces are poorly ventilated,[and] lighted"; and

WHEREAS, existing conditions present urgent needs for mechanical, electrical and other infrastructure repairs and improvements to restore and renovate the State Capitol for its historic preservation for all citizens of this state;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that pursuant to the provisions of Section 8.460, RSMO, the board of public buildings be advised to reassign certain offices and other space within the State Capitol to provide accessible and adequate space for the members of and functions necessary for the Missouri General Assembly; and

BE IT FURTHER RESOLVED that certain rooms and space within the State Capitol, as listed below, some of which may now be occupied by others, be vacated by the current occupants and be reassigned or assigned as noted below, such assignments to be in addition to all other rooms and space presently occupied by the House of Representatives and the Senate; and

BE IT FURTHER RESOLVED that the terms and agreements of all previous Resolutions are vacated and that the following rooms on the first, second, third, fourth, and basement floors of the State Capitol be assigned as follows:



To the House of Representatives:

Rooms as follows: B-16, B-20, B-20A, B-21, B-21A, B-22, B-25, B-25A, B-30, B-31, B-31A, B-32, B-32A, B-33, B-33A, B-33B, B-34, B-35, B-36, B-37, B-37A, B-38, and House Hearing Rooms 1,2,3,4,5,6,7,8, and 9 and which may be designated by other numbers and all rooms within these rooms where only a main corridor number is listed; and rooms on the first floor as follows: 100, 101, 102, 102B, 103, 103B, 104, 105, 106, 107, 108, 109, 109A, 110, 110A, 110B, 111, 112, 113, 114 (A-C), 115, 116, 116A, 117 (A-E), 117H, 118C, 118G, 118H, 130D, 131, 132, 134, 135, 135A, 135B and all rooms within these rooms where only a main corridor number is listed; and rooms on the second floor as follows: 200, 200A, 200B-C, 200C, 201(A, B, A-A, B-A, B-B), 202, 203, 204, 204B, 205 (A-B), 206, 207 (A-B), Vault-10, 233, 233A, 233B, 234, 235, 235B-A, 235B-B, , 235C, 236, 236A, 236B, and all rooms within these rooms where only a main corridor number is listed; and all rooms and areas on the third and fourth floors of the Capitol currently occupied by the House; and the fifth floor SE alcove area directly above the third floor grand staircase alcove.

To the Senate

Rooms as follows: B-8D, B-8E, B-8F, B-9, B-11, B-12, B-13, B-14A, B-14B, B-14C, B-14D, B-14E, B-15B, B-41, B-42, B-43A, B-43B, all rooms within these rooms where only a main corridor number is listed; and rooms on the first floor as follows: 118, 118A, 118B, 118E, 119, 119A, 119B, 135B and all rooms within these rooms where only a main corridor number is listed; and rooms on the second floor as follows: 227, 227A, 227B, 227C, V-11, and all rooms within these rooms where only a main corridor number is listed; and all rooms and areas on the third, fourth and fifth floors of the Capitol currently occupied by the Senate.

BE IT FURTHER RESOLVED, pursuant to sections 8.015 and 8.017, RSMo., that the Senate and House of Representatives retain control of all of the third and fourth floors as stated above; and

BE IT FURTHER RESOLVED that the House provide necessary space for members of the press on the House side of the Capitol who may be required to vacate space as a result of this resolution; and that the Senate provide necessary space for members of the press on the Senate side of the Capitol who may be required to vacate space as a result of this resolution; and

BE IT FURTHER RESOLVED that the rooms and areas be made available commencing May 17, 1999 and be totally delivered not later than June 10, 1999; and

BE IT FURTHER RESOLVED that rooms 127, 127A, 128, 129, 130, upon these areas being vacated by the Office of Administration Division of Budget and Planning, and room 208, upon this area being vacated by the Secretary of State, and rooms 230, 231, 232, upon these rooms being vacated by the State Treasurer, shall come under the control of the House of Representatives; and

BE IT FURTHER RESOLVED that rooms 122, 123, 124, upon these areas being vacated by the Office of Administration Division of Budget and Planning, and rooms 125 and 126, upon these area being vacated by the Commissioner of Administration of the Office of Administration, room 224 upon this room being vacated by the State Auditor, shall come under the control of the Senate; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House and the Administrator of the Senate shall mark the rooms assigned upon blueprints and shall submit the blueprints to the board of public buildings and the office of design and construction, together with a vacating date and together with a properly inscribed copy of this resolution;

BE IT FURTHER RESOLVED that where room numbers and descriptions are not clear, that the blueprints shall control and that all rooms, existing or to be built, shall be renumbered in a logical and orderly manner so as to accurately reflect the intent of this resolution.

**Committee on Banks and Financial Institutions**, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SCS SB 386**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SS SCS SB 335**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SS SCS SB 338**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 919**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HJR 32**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SS SCS SB 338** - Fiscal Review (Fiscal Note)

#### **INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and copies ordered printed:

**HB 1065**, introduced by Representative Green, relating to certification of electricians.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 789** and grants the conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 276** and has taken up and passed **HCS SB 276**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate Conferees on **HCS SCS SB 334** are allowed to exceed the differences by adding the word "scientific" and further that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House. Senators: Mathewson, Howard, Johnson, Kenney and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 1, as amended, to SB 348** and has taken up and passed **SB 348, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 436, as amended**, and requests the House to recede from its position and take up and pass the bill, and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HB 454**, entitled:

An act to repeal sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, relating to the cancer information reporting system, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HB 789**, Senators: Mathewson, Stoll, Howard, Childers and Flotron.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SCS HB 789:** Representatives Backer, Days, Williams (159), Bartelsmeyer and Berkstresser

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, April 29, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-ninth Day, Tuesday, April 27, 1999, page 1513, roll call, by showing Representative Barnett voting "no" rather than "absent with leave".

Page 1514, roll call, by showing Representatives Berkstresser, Lakin and Reynolds voting "aye" rather than "absent with leave".

Page 1514, roll call, by showing Representatives Chrismer and Wright voting "no" rather than "absent with leave".

Page 1515, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 1515 and 1516, roll call, by showing Representative Reynolds voting "aye" rather than "no".

Pages 1515 and 1516, roll call, by showing Representatives Berkstresser, Lakin and Patek voting "aye" rather than "absent with leave".

Pages 1516 and 1517, roll call, by showing Representative Lakin voting "aye" rather than "absent with leave".

Pages 1517 and 1518, roll call, by showing Representatives Lakin and Surface voting "aye" rather than "absent with leave".

Pages 1518 and 1519, roll call, by showing Representative Lakin voting "aye" rather than "absent with leave".

Pages 1518 and 1519, roll call, by showing Representative Wright voting "no" rather than "absent with leave".

Pages 1519 and 1520, roll call, by showing Representative Lakin voting "aye" rather than "absent with leave".

Pages 1520 and 1521, roll call, by showing Representatives Champion, Crump and Gambaro voting "aye" rather than "absent with leave".

Page 1521, roll call, by showing Representative Hartzler (124) voting "aye" rather than "absent with leave".

Page 1522, roll call, by showing Representative Shields voting "aye" rather than "absent with leave".

Page 1523, roll call, by showing Representative Ladd Stokan voting "aye" rather than "absent with leave".

Page 1524, roll call, by showing Representatives Berkstresser and Howerton voting "aye" rather than "absent with leave".

Pages 1524 and 1525, roll call, by showing Representative Robirds voting "aye" rather than "absent with leave".

Page 1526, roll call, by showing Representative Crump voting "aye" rather than "absent with leave".

Pages 1531 and 1532, roll call, by showing Representatives Champion, Evans and Shields voting "aye" rather than "absent with leave".

Pages 1531 and 1532, roll call, by showing Representative Liese voting "no" rather than "absent with leave".

Page 1538, roll call, by showing Representatives Crump, Liese and Patek voting "aye" rather than "absent with leave".

Page 1541, roll call, by showing Representatives Froelker and Lakin voting "aye" rather than "absent with leave".

Page 1541, roll call, by showing Representative Merideth voting "no" rather than "absent with leave".

Page 1543, roll call, by showing Representative Bartle voting "aye" rather than "absent with leave".

Page 1544, roll call, by showing Representatives Bartle and Summers voting "aye" rather than "absent with leave".

Page 1546, roll call, by showing Representatives Bartle, Carter, Crump, Levin, Reynolds, Shields and Summers voting "aye" rather than "absent with leave".

Pages 1546 and 1547, roll call, by showing Representatives Bartle, Carter, Davis (63), Days, Levin, Ladd Stokan and Summers voting "aye" rather than "absent with leave".

Page 1549, roll call, by showing Representatives Bartle and Hosmer voting "aye" rather than "absent with leave".

Page 1550, roll call, by showing Representatives Bartle, Hosmer and Purgason voting "aye" rather than "absent with leave".

Pages 1551 and 1552, roll call, by showing Representatives Bartle, Bonner and Hosmer voting "aye" rather than "absent with leave".

Pages 1552 and 1553, roll call, by showing Representative Bartle voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Thursday, April 29, 1999, 8:00 am. Senate Committee Rooms 2 and 3. House

Bills 2 through 12.

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, May 4, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 385, HB 386, HB 387, HB 462, Executive Session -

HB 480

### **ETHICS**



Thursday, April 29, 1999. Northeast side gallery upon adjournment. Caucus additions.

#### FISCAL REVIEW

Thursday, April 29, 1999, 8:30 am. Hearing Room 6. Executive session.

(Fiscal Note)

To be considered - HB 826, SB 8, SB 308, SB 346

#### FISCAL REVIEW

Monday, May 3, 1999, 2:30 pm. Hearing Room 6. Executive session.

To be considered - SB 295, SB 399

#### JOINT COMMITTEE ON GAMING AND WAGERING

Monday, May 3, 1999, 1:00 pm. Hearing Room 8. Update on gaming issues.

#### JUDICIARY

Thursday, April 29, 1999, 9:00 am. Hearing Room 5. Executive session may follow.

To be considered - SB 1

#### UTILITIES REGULATION

Thursday, April 29, 1999, 8:15 am. Hearing Room 8. Executive session may follow.

To be considered - SB 495

#### **HOUSE CALENDAR**

SIXTY-FIRST DAY, THURSDAY, APRIL 29, 1999

#### **HOUSE BILL FOR SECOND READING**

HB 1065

#### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

#### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 19, HCAs 1, 2 & 3 - Franklin

#### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway  
3 HCS HB 456 - Fitzwater  
4 HB 856 - Ford  
5 HCS HB 640 - Campbell  
6 HCS HB 354 - Barry  
7 HCS HB 709 - Leake  
8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 26 - Crump

#### **HOUSE BILLS FOR THIRD READING**

1 HS HB 753, (Fiscal Review 3-31-99) - Rizzo

2 HS HCS HB 826, (Fiscal Review 4-26-99) - Harlan

#### **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 14, HCA 1 (3-10-99, pg. 759) - Skaggs

2 HCS SCR 2, (3-29-99, pg. 930) - Mays (50)

3 SCR 11, (2-10-99, pg. 347) - Britt

4 SCR 10, (2-9-99, pg. 330) - Bonner

5 SCR 1, (3-2-99, pgs. 594 & 595) - O'Toole

6 SCR 13, (4-6-99, pg. 1052) - Franklin

7 HCS SCR 5, (4-22-99, pg. 1474) - Hoppe

#### **SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)

2 HCS SCS SB 308 & 314, (Fiscal Review 4-26-99) - Skaggs

3 SB 403 - Franklin

4 HCS SCS SB 346, (Fiscal Review 4-26-99) - Days

5 HCS SCS SB 8 & 173, (Fiscal Review 4-26-99) - Ladd Stokan

6 HCS SS#2 SB 288 - McLuckie

7 HCS SCS SB 405 - Murray

8 HCS SCS SB 31 & 285, E.C. - Seigfreid

9 SB 4 - Thompson (37)

10 HCS SB 399, E.C., (Fiscal Review 4-27-99) - Davis (122)

11 SB 76 - Shelton

12 HCS SB 196 - Rizzo

13 SB 32 - Luetkenhaus

14 HCS SS SCS SB 338, (Fiscal Review 4-28-99) - Harlan

15 SB 326 - Harlan

#### **SENATE BILL FOR THIRD READING - INFORMAL**

HCS SS#2 SB 163 - Kelly (27)

#### **SENATE BILLS FOR THIRD READING - CONSENT - INFORMAL**

1 SB 401 - McBride

2 SB 277 - Wagner

3 HCS SCS SB 170 - Pryor

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 34, SCA 1 - Auer

2 SCS HCS HB 814, E.C. - Smith

3 SCS HB 152 - Leake

4 SCS HB 792 - Kissell

5 HB 867, SCA 1 - McKenna

**BILL CARRYING REQUEST MESSAGES**

HS HCS SCS SB 436, (req. House to recede/take up & pass bill or grant conf) - Hoppe

**BILLS IN CONFERENCE**

1 SCS HCS HB 2 - Lakin

2 SCS HCS HB 3 - Lakin

3 SCS HCS HB 4, as amended, - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Franklin

6 SCS HCS HB 7 - Franklin

7 SCS HCS HB 8 - Lakin

8 SCS HCS HB 9 - Franklin

9 SCS HCS HB 10, as amended, - Carter

10 SCS HCS HB 11, as amended, - Troupe

11 SCS HCS HB 12 - Green

12 SCS HCS HB 348 - Smith

13 HS HCS SB 291, as amended, E.C. - Dougherty

14 HCS SCS SB 334 - Wiggins

15 SCS HB 789 - Berkstresser

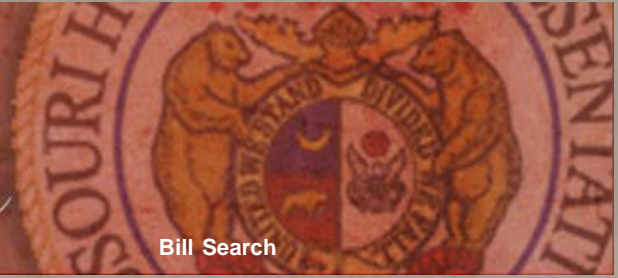


Missouri House of Representatives



# MISSOURI

## House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

SIXTY-FIRST DAY, Thursday, April 29, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Donald Lammers.

Let us pray. God our Father, we praise You in the Psalms, where we learn the dignity You give to every human being.

"When I behold your heavens, the work of your fingers, the moon and stars which you set in place-- What is man that you should be mindful of him, or the son of man that you should care for him? You have made him little less than the angels, and crowned him with glory and honor. You have given him rule over the works of your hands, putting all things under his feet..." (Psalm 8:4-7)

Yes, Lord God, You have put all things, except other human beings, under our feet. Guide the work of this legislative body so that they support in our state the order which You have established in the world. As the members of this assembly consider the security of children and youth in our schools, the struggles of families and individuals, the life of the unborn, the death dealing problems in Yugoslavia, the use of tax money entrusted to their judgment, and all the topics of their agenda. May they always remember the dignity You have given to every person, to each human being and the order and harmony You desire in all human events.

In Your holy name we pray. You are God forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Anthony Roberts, Ben Huffman, Dusty Huffman, Ashley Kilcullen, Kathryn Renfro, Dustin Matty, Jake Meyer, Megan Ruth, Jarrett Whistance, Bryce Locke, Andrea Kennedy, Beka Brewer, Richard Moore, Janelle A. Sanchez, Lucas Baughn Bruton, Sam Prescott, Kelly Turner, Stacy Hodges, Travis Ewing, Kim Thompson and Kristin Thompson.

The Journal of the sixtieth day was approved as corrected.

### HOUSE RESOLUTION OFFERED

House Resolution No. 1168 - Representative Hagan-Harrell

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1153 - Representative Crawford

House Resolution No. 1154 - Representative Bray  
House Resolution No. 1155 and House Resolution No. 1156 - Representative Riback Wilson  
House Resolution No. 1157 - Representative Koller  
House Resolution No. 1158 - Representative Gross  
House Resolution No. 1159 - Representative Myers  
House Resolution No. 1160 - Representative Thompson (37)  
House Resolution No. 1161 and House Resolution No. 1162 - Representative Boykins  
House Resolution No. 1163 - Representative Pryor  
House Resolution No. 1164 and House Resolution No. 1165 - Representative Ross  
House Resolution No. 1166 - Representative Gratz  
House Resolution No. 1167 - Representative Farnen  
House Resolution No. 1169 - Representative Merideth  
House Resolution No. 1170 - Representative Boucher  
House Resolution No. 1171 - Representatives Boucher, Mays (50) and Monaco  
House Resolution No. 1172 - Representative Days  
House Resolution No. 1173 - Representative Myers  
House Resolution No. 1174 - Representatives Green and Liese  
House Resolution No. 1175 and House Resolution No. 1176 - Representative Fitzwater  
House Resolution No. 1177 - Representative Hartzler (124)  
House Resolution No. 1178 through House Resolution No. 1180 - Representative Britt  
House Resolution No. 1181 - Representative Tudor  
House Resolution No. 1182 - Representative Townley  
House Resolution No. 1183 - Representative Troupe  
House Resolution No. 1184 - Representative Patek  
House Resolution No. 1185 - Representative Summers  
House Resolution No. 1186 and House Resolution No. 1187 - Representative Kennedy  
House Resolution No. 1188 and House Resolution No. 1189 - Representative Scott  
House Resolution No. 1190 and House Resolution No. 1191 - Representative Gibbons

#### **SECOND READING OF HOUSE BILL**

**HB 1065** was read the second time.

#### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 8 & 173 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 308 & 314 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 346 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 826 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HB 814**, relating to tobacco settlement model statute, was taken up by Representative Smith.

On motion of Representative Smith, **SCS HCS HB 814** was adopted by the following vote:

AYES: 156

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 159 Wilson Wright

Mr. Speaker

NOES: 002

Hohulin Lawson

PRESENT: 000

ABSENT WITH LEAVE: 003

Berkowitz Lograsso Williams 121

VACANCIES: 002

On motion of Representative Smith, **SCS HCS HB 814** was truly agreed to and finally passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee



Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 005

Berkowitz Boatright Lograsso Ostmann Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Auer Backer Barnett Barry 100 Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pryor  
Purgason Ransdall Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Ross  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 013

Abel Akin Alter Ballard Davis 63  
Green Hohulin Marble Murphy Pouche  
Reid Robirds Sallee

PRESENT: 000

ABSENT WITH LEAVE: 004

Berkowitz Chrismer Lograsso Williams 121

VACANCIES: 002

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Fraser moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 152**, relating to sustainable agricultural demonstration, was taken up by Representative Leake.

On motion of Representative Leake, **SCS HB 152** was adopted by the following vote:

AYES: 156

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Long  
Loudon Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Berkowitz Lograsso Luetkemeyer Williams 121 Wilson

VACANCIES: 002

On motion of Representative Leake, **SCS HB 152** was truly agreed to and finally passed by the following vote:

AYES: 157

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Auer Berkowitz Lograsso Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Selby, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.



The latter motion prevailed.

**SCS HB 792**, relating to fire investigators, was taken up by Representative Kissell.

Representative Kissell offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 792, Page 2, Section 320.230, Line 15, by deleting the word "**and**" and inserting in lieu thereof the word "**any**".

On motion of Representative Kissell, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Kissell, **SCS HB 792, as amended**, was adopted by the following vote:

AYES: 128

Alter Auer Backer Barnett Barry 100  
Bennett Berkstresser Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Farnen Fitzwater Ford Franklin Fraser  
Froelker Gambaro Gaskill George Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hendrickson  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Levin Liese Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Wilson Wright Mr. Speaker

NOES: 031

Abel Akin Ballard Bartelsmeyer Bartle  
Boatright Elliott Evans Foley Foster  
Gibbons Graham 106 Hanaway Hartzler 124 Hegeman  
Hickey Hohulin Kelley 47 Legan Linton  
Lograsso Long Loudon Marble McClelland  
Murphy Pouche Richardson Ridgeway Scott  
Smith

PRESENT: 000

ABSENT WITH LEAVE: 002

Berkowitz Williams 121

VACANCIES: 002

On motion of Representative Kissell, **SCS HB 792, as amended**, was read the third time and passed by the following vote:

AYES: 127

Alter Auer Backer Barnett Barry 100  
Bennett Berkstresser Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dougherty Enz Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Froelker Gambaro Gaskill George  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kasten Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Levin Liese  
Loudon Luetkenhaus May 108 Mays 50 McBride  
McKenna McLuckie Merideth Miller Monaco  
Murray Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 031

Abel Akin Ballard Bartelsmeyer Bartle  
Boatright Elliott Foster Gibbons Graham 106  
Hanaway Hartzler 124 Hegeman Hohulin Howerton  
Kelley 47 Legan Linton Lograsso Long  
Luetkemeyer Marble McClelland Murphy Myers  
Naeger Pouche Richardson Ridgeway Scott  
Smith

PRESENT: 000

ABSENT WITH LEAVE: 003

Berkowitz Dolan Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wagner, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

**HB 867, with Senate Committee Amendment No. 1**, relating to optometry, was taken up by Representative McKenna.

On motion of Representative McKenna, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 152

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Chrismer Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 002

Champion Hendrickson

PRESENT: 000

ABSENT WITH LEAVE: 007

Backer Berkowitz Green Kasten Luetkemeyer  
Scott Williams 121

VACANCIES: 002

On motion of Representative McKenna, **HB 867, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle



Bennett Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Berkowitz Green Purgason Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Backer moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 14, with House Committee Amendment No. 1**, relating to tobacco settlement, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **House Committee Amendment No. 1** was adopted.

On motion of Representative Skaggs, **SCR 14, as amended**, was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Wright Mr. Speaker

NOES: 004

Green Hohulin Holand Pouche

PRESENT: 000

ABSENT WITH LEAVE: 003

Berkowitz Foley Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bray, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

**HCS SCR 2**, relating to joint committee on telecommunications, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **HCS SCR 2** was adopted.

On motion of Representative Mays (50), **HCS SCR 2** was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Berkowitz Franklin Linton Lograsso Ridgeway

Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**SCR 11**, relating to farm-related businesses, was taken up by Representative Britt.

On motion of Representative Britt, **SCR 11** was read the third time and passed by the following vote:

AYES: 155



Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Berkowitz Franklin Lograsso Mays 50

Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**SCR 10**, relating to import of steel products, was taken up by Representative Bonner.

On motion of Representative Bonner, **SCR 10** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Fraser Froelker

Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hoppe Hosmer Howerton Kasten Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 159 Wright Mr. Speaker

NOES: 004

Hohulin Holand Pouche Wilson

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkowitz Franklin Gibbons Hollingsworth Kelley 47

Lograsso Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Davis (63) moved that motion lay on the table.

The latter motion prevailed.

**SCR 1**, relating to the Irish famine, was taken up by Representative Green.

Representative Froelker offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Concurrent Resolution No. 1, Page 595, Journal of the House, Lines 3 to 11 of said page, by deleting all of said line and inserting in lieu thereof the following:

"WHEREAS, it would be in the best interests of the Missouri's public school students for the State Board of Education and the Coordinating Board for Higher Education to prepare and make available to all school boards and institutions of higher education instructional materials that can be used as guidelines for the development of a unit of instruction on the Irish Famine:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unanimously in expressing our support of the inclusion of a unit of instruction studying the causes and effects of mass starvation in mid-nineteenth century Ireland in every public elementary school, high school and postsecondary school curriculum in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Elementary and Secondary Education and the Missouri Department of Higher Education."

**SCR 1, with House Amendment No. 1, pending**, was laid over.

Representative Smith assumed the Chair.

**SCR 13**, relating to social security and medicare, was taken up by Representative Franklin.

Representative Froelker offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Concurrent Resolution No. 13, Page 1052, Journal of the House, Line 10 of said page, by inserting after the word "for" the phrase "the President of the United States and the members".

On motion of Representative Froelker, **House Amendment No. 1** was adopted.

On motion of Representative Franklin, **SCR 13, as amended**, was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Williams 159 Wilson Wright Mr. Speaker



NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Berkowitz Bray 84 Foley Gibbons Hollingsworth

Lawson Naeger Patek Secrest Wiggins

Williams 121

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Luetkenhaus, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

**HCS SCR 5**, relating to governor's commission on building codes, was taken up by Representative Kreider.

Representative Legan offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Concurrent Resolution No. 5, April 22, 1999 Journal, page 1475, lines 37 through 41, by deleting all of said lines.

On motion of Representative Legan, **House Amendment No. 1** was adopted.

On motion of Representative Kreider, **HCS SCR 5, as amended**, was adopted.

On motion of Representative Kreider, **HCS SCR 5, as amended**, was read the third time and passed by the following vote:

AYES: 091

Abel Auer Backer Barry 100 Bennett

Black Bonner Boucher Boykins Bray 84

Britt Campbell Carter Chrismer Clayton

Crump Daniel Davis 122 Davis 63 Days

Dougherty Farnen Fitzwater Foley Ford

Fraser Gambaro George Graham 24 Gratz

Green Gross Gunn Hagan-Harrell Hampton

Harlan Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Kissell Koller  
Kreider Lawson Leake Legan Levin  
Liese Luetkenhaus May 108 Mays 50 McBride  
McKenna McLuckie Merideth Monaco Murray  
O'Connor O'Toole Overschmidt Parker Ransdall  
Reid Relford Reynolds Riley Rizzo  
Robirds Scheve Schilling Seigfreid Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Wagner Ward Wiggins Williams 159 Wilson  
Mr. Speaker

NOES: 064

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkstresser Blunt Boatright Burton  
Champion Cierpiot Crawford Dolan Elliott  
Enz Evans Foster Froelker Gaskill  
Gibbons Graham 106 Griesheimer Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton Kasten Klindt Linton Lograsso  
Long Loudon Luetkemeyer Marble McClelland  
Miller Murphy Myers Naeger Nordwald  
Ostmann Patek Pouche Pryor Purgason  
Reinhart Richardson Ridgeway Ross Sallee  
Schwab Scott Secrest Shields Summers  
Surface Townley Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Berkowitz Franklin Kelley 47 King Lakin  
Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**SCR 1, with House Amendment No. 1, pending**, relating to the Irish famine, was again taken up by Representative Green.

On motion of Representative Froelker, **House Amendment No. 1** was adopted.

On motion of Representative Green, **SCR 1, as amended**, was read the third time and passed by the following vote:

AYES: 137

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Gratz

Green Griesheimer Gross Hagan-Harrell Hampton

Hanaway Harlan Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hoppe Hosmer

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lawson Leake

Levin Liese Linton Long Loudon

Luetkemeyer Luetkenhaus May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Murphy Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Patek Pryor

Purgason Ransdall Reid Relford Reynolds

Richardson Riley Rizzo Robirds Ross

Sallee Scheve Schilling Secrest Seigfreid

Selby Shelton Shields Skaggs Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 159 Wilson

Wright Mr. Speaker

NOES: 002

Graham 24 Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 022

Berkowitz Berkstresser Franklin Gunn Hartzler 123

Hollingsworth Howerton King Lakin Legan

Lograsso Marble Monaco Nordwald Parker

Pouche Reinhart Ridgeway Schwab Scott

Smith Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 219, as amended**, and requests that the House recede from its position or failing to do so, grant the Senate a conference thereon.

#### BILLS CARRYING REQUEST MESSAGES

**HS HCS SCS SB 436**, relating to ambulance service, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on **HS HCS SCS SB 436** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 219, as amended**, relating to property taxation, was taken up by Representative Bray.

Representative Bray moved that the House refuse to recede from its position on **HCS SB 219, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Pro Tem Kreider resumed the Chair.

#### THIRD READING OF HOUSE BILL

**HS HCS HB 826**, relating to long-term care facilities, was taken up by Representative Harlan.

On motion of Representative Harlan, **HS HCS HB 826** was read the third time and passed by the following vote:



AYES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lawson Leake Legan Liese Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

O'Connor O'Toole Ostmann Overschmidt Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Riley

Rizzo Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Ward Williams 159 Wilson Wright Mr. Speaker

NOES: 003

Bartelsmeyer Robirds Wagner

PRESENT: 000

ABSENT WITH LEAVE: 018

Berkowitz Cierpiot Franklin Green Gunn

Kelley 47 King Lakin Levin Linton

Lograsso Long Murphy Nordwald Parker

Ridgeway Wiggins Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartle Bennett Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dougherty Elliott Evans Farnen

Fitzwater Foley Ford Foster Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Klindt Koller

Kreider Lawson Leake Legan Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger O'Connor O'Toole

Ostmann Overschmidt Patek Pouche Pryor

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 159 Wilson Mr. Speaker

NOES: 003

Bartelsmeyer Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnett Berkowitz Dolan Enz Franklin

Kissell Lakin Levin McBride McLuckie

Nordwald Parker Purgason Williams 121

VACANCIES: 002

On motion of Representative Campbell, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

### THIRD READING OF HOUSE JOINT RESOLUTION

**HCS HJR 26**, relating to conservation commission, was taken up by Representative Crump.

On motion of Representative Crump, **HCS HJR 26** was read the third time and passed by the following vote:

AYES: 093

Abel Alter Backer Ballard Barnett

Bartelsmeyer Bartle Bennett Berkstresser Black

Blunt Boatright Bonner Britt Burton

Cierpiot Crawford Crump Davis 122 Davis 63

Dolan Elliott Fitzwater Ford Foster

Franklin Froelker Gaskill Graham 106 Gratz

Griesheimer Hampton Hartzler 123 Hartzler 124 Hegeman

Hohulin Hoppe Howerton Kasten Kelley 47

King Kissell Klindt Koller Kreider

Lawson Leake Legan Lograsso Long

Luetkemeyer Luetkenhaus Marble May 108 McKenna

Merideth Miller Myers Naeger Nordwald

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Richardson

Ridgeway Rizzo Robirds Ross Sallee

Schwab Scott Seigfreid Selby Shields

Skaggs Smith Summers Thompson 37 Townley

Tudor Vogel Wagner Ward Wiggins

Williams 159 Wright Mr. Speaker

NOES: 061

Akin Auer Barry 100 Boucher Boykins

Bray 84 Campbell Carter Champion Chrismer

Clayton Daniel Days Dougherty Enz

Evans Farnen Foley Fraser Gambaro

George Gibbons Graham 24 Green Gross

Hagan-Harrell Hanaway Harlan Hendrickson Hickey

Hilgemann Holand Hollingsworth Hosmer Kelly 27

Kennedy Lakin Levin Liese Linton

Loudon Mays 50 McClelland Monaco Murphy

Murray O'Connor O'Toole Ostmann Reynolds

Riley Scheve Schilling Secrest Shelton

Stokan Thompson 72 Treadway Troupe Van Zandt

Wilson

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkowitz Gunn McBride McLuckie Relford

Surface Williams 121

VACANCIES: 002

Representative Scheve declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Hampton moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

#### **SIGNING OF SENATE BILL**

All other business of the House was suspended while **HCS SB 276** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

#### **PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HB 19, with House Committee Amendment Nos. 1, 2 and 3**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **House Committee Amendment No. 1** was adopted.



On motion of Representative Franklin, **House Committee Amendment No. 2** was adopted.

On motion of Representative Franklin, **House Committee Amendment No. 3** was adopted.

Representative Franklin offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 19, Pages 7-8, Section 19.042, Lines 1-12, by deleting all of said section.; and

Further amend said bill, page 9, Section 19.048, line 7, by deleting the figure "\$5,502,048" and inserting in lieu thereof the figure "\$10,683,588".; and

Further amend said bill, page 13, Section 19.076, by deleting all of said section.; and

Further amend said bill, page 16, Section 19.096, line 20, by deleting the figure "\$316,135" and inserting in lieu thereof the figure "\$386,135".; and

Further amend said bill, page 16, Section 19.098, by inserting immediately before said section a new section to read as follows:

"Section 19.097. To the Department of Natural Resources

For the Division of Environmental Quality

For the purpose of funding a motor vehicle emissions program provided, however, that

funds appropriated herein shall be administered under the oversight of a committee

composed of three members of the House of Representatives appointed by the

Speaker with no more than two members from any party, three members of the

Senate appointed by the President Pro Tem with no more than two members from

any party and the Director of the Department of Natural Resources or his designee

Expense and Equipment \$48,356

For all other costs, except personal services, that are incurred in the motor vehicle emissions program 1,687,100

Representing expenditures originally authorized under the provisions of House Bill

Section 6.322, an Act of the 89th General Assembly, first Regular Session, and

most recently authorized under the provisions of House Bill Section 21.105, an Act

of the 89th General assembly, Second Regular Session

From Missouri Air Pollution Control Fund, Federal Funds, and Other Funds, excluding

General Revenue \$1,735,456"; and

Further amend said bill, page 17, Section 19.100, line 11, by deleting the figure "\$3,098,679" and inserting in lieu thereof the figure "\$1,597,568".; and

Further amend said bill, page 17, Section 19.100, line 18, by deleting the figure "\$7,997,543" and inserting in lieu thereof the figure "\$6,776,432".; and

Further amend said bill, page 18, Section 19.104, line 6, by deleting the figure "\$1,099,479" and inserting in lieu thereof the figure "\$1,810,715".; and

Further amend said bill, page 18, Section 19.104, line 14, by deleting the figure "\$1,890,606" and inserting in lieu thereof the figure "\$2,601,842".; and

Further amend said bill, page 24, Section 19.142, by deleting all of said section.; and

Further amend said bill, page 25 through 26, Section 19.150, by deleting all of said section.

Speaker Gaw resumed the Chair.

On motion of Representative Franklin, **House Amendment No. 1** was adopted.

On motion of Representative Franklin, **HB 19, as amended**, was ordered perfected and printed.

#### **BILL IN CONFERENCE**

**SCS HB 789**, relating to audit of a political subdivision, was taken up by Representative Berkstresser.

Representative Berkstresser moved that the conferees on **SCS HB 789** be allowed to exceed the differences to add specific language on page two, section 29.230(1).

Which motion was adopted.

#### **THIRD READING OF SENATE BILLS - CONSENT - INFORMAL**

**SB 401**, relating to land surveys, was taken up by Representative Crump and stricken from the calendar.

**SB 277**, relating to state park funds, was taken up by Representative Crump and stricken from the calendar.

**HCS SCS SB 170**, relating to condominium property, was taken up by Representative Crump and stricken from the calendar.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SCS SB 436**: Representatives Hoppe, Harlan, Smith, Griesheimer and Ross

**HCS SB 219**: Representatives Bray, Van Zandt, Campbell, Akin and Hegeman

#### **COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 125**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SS SB 289**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SBs 1, 92, 111, 129 & 222**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 61**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SS SCS SBs 160 & 82**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SS SB 373**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SB 211**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SCS SBs 387, 206 & 131**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SCS SCR 15**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute

for

Senate Committee Substitute

for

Senate Concurrent Resolution No. 15

WHEREAS, the elk industry is a nine million dollar business in Missouri and the state has more than one hundred elk farms with over one thousand elk; and

WHEREAS, over a third of Missouri's counties have domestic elk herds and Missouri has the honor of being the site of the international headquarters of the North American Elk Breeders Association, as well as, the North American Elk Research Council, Inc.; and

WHEREAS, Missouri is the Midwest's top elk trading state and according to Missouri law, elk are classified as livestock which enables elk farming without a special permit; and

WHEREAS, the Department of Conservation has indicated it may support the reestablishment of wild elk herds in Missouri; and

WHEREAS, the unregulated breeding and gathering of wild elk herds in Missouri could be a safety risk since there is no

natural food chain for elk in Missouri and there are no natural predators to control wild elk; and

WHEREAS, wild elk herds carry various diseases common to wild animals which can harm domestic elk livestock and such wild elk can cause damage to fences and crops; and

WHEREAS, since the elk is the largest member of the cervidae (deer) family, the presence of wild elk herds may present a hazard to motorists:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask the Conservation Commission and the Department of Conservation to carefully study and consider any action toward establishing wild elk herds in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Conservation Commission and the Director of the Department of Conservation.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SCS SB 19**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

*House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 1, In the Title, Line 4, by inserting after the number "302.302," the number "302.309,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "thirty-eight" and inserting in lieu thereof the word "thirty-nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "302.302," the number "302.309,"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the word "thirty-eight" and inserting in lieu thereof the word "thirty-nine"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after the number "302.303," the number "302.309,"; and

Further amend said bill, Page 15, Section 302.303, Line 15, by inserting after all of said line the following:

"302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

2. Any operator whose license is revoked [under] **pursuant to** these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving [privileges] **privilege** shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) A business, occupation, or employment;

(b) Seeking medical treatment for such operator;

(c) Attending school or other institution of higher education;

(d) Attending alcohol or drug treatment programs; or

(e) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving [privileges] **privilege** the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited [privileges] **privilege**, and shall be accompanied by a copy of the applicant's driving record as certified by the director.



Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for that vehicle.

(4) The court order or the director's grant of the limited driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points [under the provisions of] **pursuant to** section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle [under the authority of] **pursuant to** a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(5) Except as provided in subdivision (6) of this subsection, no person is eligible to receive [hardship] **a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or** whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, RSMo, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as provided in section 577.060, RSMo;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041, RSMo, or a similar implied consent law of any other state;

(g) Disqualification of a commercial driver's license pursuant to sections 302.700 to 302.780, however, nothing in this subsection shall prevent a person holding a commercial driver's license who is suspended or revoked as a result of an action occurring while not driving a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an operator of a personal vehicle from applying for [hardship] **a limited driving [privileges] privilege** to operate a commercial vehicle, if otherwise eligible for such [hardship] **limited** privilege; or

(h) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for limited driving [privileges] **privilege**; or due to a revocation [under] **pursuant to** subsection 2 of section 302.525 if such person has not completed such revocation.

(6) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for **a limited driving [privileges] privilege** pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) **Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition,** a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years **because of two convictions of driving while intoxicated,** as prescribed in subdivision (10) of section 302.060, to apply for **a limited driving [privileges] privilege** pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving [privileges]

**privilege** pursuant to the provisions of this subdivision.

4. Any person who has received notice of denial of a request of limited driving [privileges] **privilege** by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving [privileges] **privilege**.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section."

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SS#2 SB 209**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SB 495**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 334**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334;

2. That the attached Conference Committee Amendment No. 1 be adopted; and

3. That the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334 with Conference Committee Amendment No. 1 be truly agreed and finally passed.

**FOR THE HOUSE: FOR THE SENATE:**

/s/ Gary Wiggins /s/ James Mathewson

/s/ Brian May /s/ Jerry Howard

/s/ James Foley /s/ Sidney Johnson

/s/ Gary Marble /s/ Bill Kenney

/s/ Larry Crawford /s/ Morris Westfall

*Conference Committee Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334, Page 2, Section 644.143, Line 17, by inserting after the word "other" the following: "**scientific**".

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 291**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 291;
2. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 291 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Pat Dougherty /s/ Harold L. Caskey

/s/ Ralph Monaco /s/ Ed Quick

/s/ Catherine Hanaway /s/ Jim Mathewson

/s/ Emmy McClelland /s/ Betty Sims

/s/ Marsha Campbell /s/ Roseann Bentley

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 3:00 p.m., Monday, May 3, 1999.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixtieth Day, Wednesday, April 28, 1999, pages 1566 and 1567, roll call, by showing Representatives Bartelsmeyer, Pouche and Reinhart voting "aye" rather than "absent with leave".

Pages 1567 and 1568, roll call, by showing Representatives Boatright, Luetkenhaus and McClelland voting "aye" rather than "absent with leave".

Pages 1568 and 1569, roll call, by showing Representative Days voting "no" rather than "aye".

Pages 1568 and 1569, roll call, by showing Representative Kennedy voting "no" rather than "absent with leave".



Pages 1568 and 1569, roll call, by showing Representative Reinhart voting "aye" rather than "absent with leave".

Page 1570, roll call, by showing Representatives Bartelsmeyer, Dolan, Hoppe, Luetkenhaus and Richardson voting "aye" rather than "absent with leave".

Page 1571, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Page 1572, roll call, by showing Representatives Dolan and Luetkenhaus voting "aye" rather than "absent with leave".

Page 1573, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Page 1574, roll call, by showing Representatives Boatright, Dolan and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1575 and 1576, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1575 and 1576, roll call, by showing Representative Richardson voting "no" rather than "absent with leave".

Pages 1576 and 1577, roll call, by showing Representatives Akin, Froelker, Howerton, Liese and Richardson voting "aye" rather than "absent with leave".

Pages 1576 and 1577, roll call, by showing Representative Bonner voting "no" rather than "absent with leave".

Pages 1580 and 1581, roll call, by showing Representatives Akin, Berkstresser, Black, Merideth and Williams (159) voting "aye" rather than "absent with leave".

Pages 1582 and 1583, roll call, by showing Representatives Bartelsmeyer and Ward voting "aye" rather than "absent with leave".

Pages 1582 and 1583, roll call, by showing Representatives Franklin and Kelly (27) voting "no" rather than "absent with leave".

Pages 1583 and 1584, roll call, by showing Representatives Bartelsmeyer, Franklin and Ward voting "aye" rather than "absent with leave".

Page 1589, roll call, by showing Representatives Bartelsmeyer, Chrismer, Dolan, Franklin, Kelly (27), Naeger and Ward voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Monday, May 3, 1999, 10:00 am. Senate Committee Rooms 1 and 2. House

Bills 2 through 12.

### **CRIMINAL LAW**

Tuesday, May 4, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - SB 94, Executive Session - SB 328,

Executive Session - SB 371



## CRITICAL ISSUES

Monday, May 3, 1999, 8:00 pm. Hearing Room 6. Executive session may follow.

To be considered - SB 215

## EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, May 4, 1999. Hearing Room 8 upon noon adjournment.

To be considered - HB 385, HB 386, HB 387, HB 462, Executive Session - HB 480

## FISCAL REVIEW

Monday, May 3, 1999, 2:30 pm. Hearing Room 6. Executive session.

AMENDED NOTICE.

To be considered - SB 295, SB 338, SB 399

## JOINT COMMITTEE ON GAMING AND WAGERING

Monday, May 3, 1999, 1:00 pm. Hearing Room 8. Update on gaming issues.

CANCELLED.

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, May 4, 1999. Hearing Room 7 upon morning adjournment. Executive session to follow.

To be considered - SB 248, SB 392

## HOUSE CALENDAR

SIXTY-SECOND DAY, MONDAY, MAY 3, 1999

## HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

## HOUSE BILLS FOR PERFECTION

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

#### **SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)  
2 HCS SCS SB 308 & 314 - Skaggs  
3 SB 403 - Franklin  
4 HCS SCS SB 346 - Days  
5 HCS SCS SB 8 & 173 - Ladd Stokan  
6 HCS SS#2 SB 288 - McLuckie  
7 HCS SCS SB 405 - Murray

- 8 HCS SCS SB 31 & 285, E.C. - Seigfreid
- 9 SB 4 - Thompson (37)
- 10 HCS SB 399, E.C., (Fiscal Review 4-27-99) - Davis (122)
- 11 SB 76 - Shelton
- 12 HCS SB 196 - Rizzo
- 13 SB 32 - Luetkenhaus
- 14 HCS SS SCS SB 338, (Fiscal Review 4-28-99) - Harlan
- 15 SB 326 - Harlan
- 16 HCS SB 20 - Schilling

#### **SENATE BILL FOR THIRD READING - INFORMAL**

- HCS SS#2 SB 163 - Kelly (27)

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HB 34, SCA 1 - Auer
- 2 SCS HS HB 454 - Carter

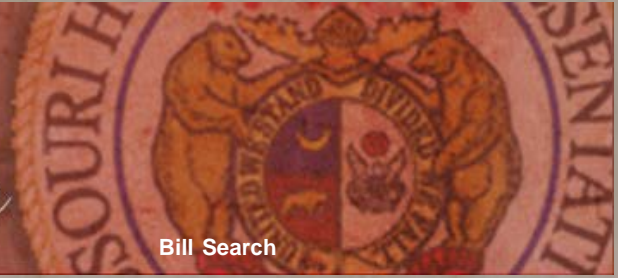
#### **BILLS IN CONFERENCE**

- 1 SCS HCS HB 2 - Lakin
- 2 SCS HCS HB 3 - Lakin
- 3 SCS HCS HB 4, as amended, - Green
- 4 SCS HCS HB 5, as amended, - Green
- 5 SCS HCS HB 6, as amended, - Franklin
- 6 SCS HCS HB 7 - Franklin
- 7 SCS HCS HB 8 - Lakin
- 8 SCS HCS HB 9 - Franklin
- 9 SCS HCS HB 10, as amended, - Carter
- 10 SCS HCS HB 11, as amended, - Troupe
- 11 SCS HCS HB 12 - Green
- 12 SCS HCS HB 348 - Smith
- 13 CCR HS HCS SB 291, as amended, E.C. - Dougherty
- 14 CCR HCS SCS SB 334 - Wiggins
- 15 SCS HB 789 - Berkstresser
- 16 HS HCS SCS SB 436 - Hoppe
- 17 HCS SB 219, as amended - Bray



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SIXTY-SECOND DAY, Monday, May 3, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Father David Buescher, Newman Center, Lincoln University.

Almighty God, You are power and peace, law and love, justice and mercy. Continue to fill these elected representatives with Your presence. In this day's work, may their minds discern Your will in the matters they discuss and decide; may their hearts be joy-filled in awe of the responsibility You share with them. Bless them with wisdom and courage, that at the end of this day, they and all the people of this sovereign state, may rest even more easily, content that Your reign has been made more genuine. In the Spirit of this loving and wise God, we say, yes, may it be so, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Thomas Brandt.

The Journal of the sixty-first day was approved as corrected by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hosmer Howerton Kasten



Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reinhart Relford Reynolds  
Richardson Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Seigfreid  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 008

Blunt Hanaway Hohulin Patek Reid  
Ridgeway Selby Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Bartelsmeyer Hoppe Lograsso McLuckie Sallee  
Secrest

VACANCIES: 002

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1192 and House Resolution No. 1193 - Representative Loudon  
House Resolution No. 1194 - Representatives Froelker and Overschmidt  
House Resolution No. 1195 - Representatives Scott and Shields  
House Resolution No. 1196 - Representative Green  
House Resolution No. 1197 and House Resolution No. 1198 - Representative Relford  
House Resolution No. 1199 - Representative Richardson  
House Resolution No. 1200 - Representative McClelland  
House Resolution No. 1201 - Representative Ransdall  
House Resolution No. 1202 - Representative Leake  
House Resolution No. 1203 - Representative Shields

House Resolution No. 1204 - Representative Relford  
House Resolution No. 1205 - Representative Overschmidt  
House Resolution No. 1206 - Representative Relford  
House Resolution No. 1207 - Representative Levin  
House Resolution No. 1208 - Representative Hickey  
House Resolution No. 1209 - Representative Smith  
House Resolution No. 1210 - Representative Hartzler (124)  
House Resolution No. 1211 - Representative Davis (63)  
House Resolution No. 1212 - Representative Levin  
House Resolution No. 1213 and House Resolution No. 1214 - Representative Fitzwater  
House Resolution No. 1215 - Representative Seigfreid  
House Resolution No. 1216 through House Resolution No. 1218 - Representative Berkowitz  
House Resolution No. 1219 - Representative Riley  
House Resolution No. 1220 - Representative Townley  
House Resolution No. 1221 through House Resolution No. 1223 - Representative Merideth  
House Resolution No. 1224 and House Resolution No. 1225 - Representative Liese  
House Resolution No. 1226 - Representative Ridgeway  
House Resolution No. 1227 - Representative Cierpiot  
House Resolution No. 1228 and House Resolution No. 1229 - Representative Dougherty  
House Resolution No. 1230 - Representative Gaw  
House Resolution No. 1231 - Representative Barry  
  
House Resolution No. 1232 - Representative Williams (121)  
House Resolution No. 1233 - Representative Griesheimer

#### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 19**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 399 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 338 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **SUPPLEMENTAL CALENDAR**

(May 3, 1999)

#### **HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

**MOTION**

Representative Franklin moved that Rule 26 be suspended to allow the conferees on **SCS HCS HB 10**, **SCS HCS HB 11** and **SCS HCS HB 12** to meet on May 3, 1999, while the House is in session.

Which motion was adopted by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 006

Blunt Boatright Hanaway Hohulin Reid

Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Dougherty Hoppe Lograsso Secrest Ward

VACANCIES: 002

### THIRD READING OF HOUSE BILL - APPROPRIATIONS

**HB 19**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 19** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Black Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Shelton Shields Skaggs Smith Stokan



Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 008

Blunt Boatright Hanaway Hohulin Loudon

Pryor Selby Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer Berkstresser Hoppe Lograsso Long

Secrest Ward

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**SB 403**, relating to certain funds in the state treasury, was taken up by Representative Franklin.

On motion of Representative Franklin, **SB 403** was truly agreed to and finally passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Patek

PRESENT: 001

Reid

ABSENT WITH LEAVE: 005

Champion Hoppe Lograsso Secrest Ward

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ladd Stokan, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SCS HS HB 454**, relating to cancer information reporting system, was taken up by Representative Carter.

On motion of Representative Carter, **SCS HS HB 454**, was adopted by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Hoppe Lograsso Patek Pouche Secrest  
Ward

VACANCIES: 002

On motion of Representative Carter, **SCS HS HB 454**, was truly agreed to and finally passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker



NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Foley George Hoppe Lograsso Secrest  
Ward

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Backer moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILLS

**HCS SCS SBs 8 & 173**, relating to health programs, was taken up by Representative Ladd Stokan.

Representative Ladd Stokan offered **HS HCS SCS SBs 8 & 173**.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, Page 1, In the Title, Line 3 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 9 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word and number "and 9" and inserting in lieu thereof the word and numbers ", 9 and 10"; and

Further amend said bill, Page 12, Section 9, Line 14 of said page, by inserting after all of said line the following:

**"Section 10. Notwithstanding any other provision of law to the contrary, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be."**

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Barry offered **House Amendment No. 2**.

Representative Ladd Stokan raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Marble offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, Page 12, Section 9, Line 14 of said page by inserting after said line the following:

**"143.136. 1. For all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal taxable income and to the extent such amount is not otherwise deductible from the individual's Missouri taxable income pursuant to Missouri law.**

**2. The deduction provided in this section shall be available to an individual whether such individual elects to itemize his or her deductions or elects to deduct the Missouri standard deduction. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of health insurance premiums.**

**3. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.";** and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Marble, **House Amendment No. 2** was adopted.

Representative Treadway offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, Page 1, In the Title, Lines 2 and 3 on said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 334.655 and 334.660, RSMo Supp. 1998, relating to health, and to enact in lieu thereof twenty-two new sections relating to the same subject, with"; and

Further amend said bill, Page 1, Section A, Lines 8,9 and 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 334.655 and 334.660, RSMo Supp. 1998, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 192.031, 192.033, 192.036, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 331.085, 334.506, 334.655, 334.660, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:"; and

Further amend said bill, Page 3, Section 192.036, Line 16 of said page, by inserting after all of said line the following:

"324.475. For the purposes of sections 324.475 to 324.499, the following terms mean:

(1) "Acupuncture", the use of needles inserted into the body by piercing of the skin and related modalities, for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body so as to restore the body to its proper functioning and state of health;

(2) "Acupuncturist", any person licensed as provided in sections 324.475 to 324.499, to practice acupuncture as defined in subdivision (1) of this section;

(3) "Auricular detox technician", a person trained solely in, and who performs only, auricular detox treatment. An auricular detox technician shall practice under the supervision of a licensed acupuncturist [or a physician licensed pursuant to sections 334.010 to 334.265, RSMo, or a chiropractor licensed pursuant to chapter 331, RSMo]. Such treatment shall take place in a hospital, clinic or treatment facility which provides comprehensive substance abuse services, including counseling, and maintains all licenses and certifications necessary and applicable;

(4) "Auricular detox treatment", a very limited procedure consisting of acupuncture needles inserted into specified points in the outer ear of a person undergoing treatment for drug or alcohol abuse or both drug and alcohol abuse;

(5) "Board", the state board of chiropractic examiners established in chapter 331, RSMo;

(6) "Committee", the Missouri acupuncture advisory committee;

- (7) "Department", the Missouri department of economic development;
- (8) "Director", the director of the division of professional registration;
- (9) "Division", the division of professional registration of the department of economic development;
- (10) "License", the document of authorization issued by the [division] **board** for a person to engage in the practice of acupuncture.

324.478. 1. There is hereby created **within the division of professional registration a committee to be known as the "Missouri Acupuncturist Advisory Committee"**[, to be composed of five members to be appointed by the governor with the advice and consent of the senate]. **The committee shall consist of five members, all of whom shall be citizens of the United States and registered voters of the state of Missouri.** The governor shall appoint [committee] **the** members [who are citizens of the United States and registered voters in the state of Missouri, from a list provided by the director of the department of economic development.] **of the committee with the advice and consent of the senate for terms of four years; except as provided in subsection 2 of this section. Three committee members shall be acupuncturists. Such members shall at all times be holders of licenses for the practice of acupuncture in this state; except for the members of the first committee who shall meet the requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a current board member of the Missouri state board for chiropractic examiners. The remaining member shall be a public member. All members shall be chosen from lists submitted by the director of the division of professional registration.**

**2. The initial appointments to the committee shall be one member for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.**

**3. The public member of the committee shall not be and never has been a member of any profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by the provisions of sections 324.475 to 324.499 or an activity or organization directly related to the profession regulated pursuant to sections 324.475 to 324.499.**

**4. Any member of the committee may be removed from the committee by the governor for neglect of duty required by law, for incompetency or for unethical or dishonest conduct. Upon the death, resignation, disqualification or removal of any member of the committee, the governor shall appoint a successor. A vacancy in the office of any member shall only be filled for the unexpired term.**

[2.] **5. The acupuncturist advisory committee shall:**

- (1) [Assist the division in the] Review [and issuance of] all [licenses] **applications for licensure;**
- (2) Advise the board on all matters pertaining to the licensing of acupuncturists;
- (3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.475 to 324.499 or regulations promulgated pursuant thereto and make recommendations **and referrals** to the board on complaints the committee determines to warrant further action;
- (4) Follow the provisions of the board's administrative practice procedures in conducting all official duties[.];
- (5) Recommend for prosecution violations of sections 324.475 to 324.499 to an appropriate prosecuting or circuit attorney;**
- (6) Assist the board, as needed and when requested by the board, in conducting any inquiry or disciplinary proceedings initiated as a result of committee recommendation and referral pursuant to subdivision (3) of this subsection.**

[3. The acupuncturist advisory committee shall:

- (1) Be comprised of three licensed acupuncturists except for initial appointees who hold no other professional license in the state;
- (2) One member shall be a physician duly licensed by the Missouri state board for chiropractic examiners; and
- (3) One member shall be a general public member.

4. Except for the initial appointees, members shall hold office for terms of six years. The board shall designate one member for a term expiring in 1999, one member for a term expiring in 2000, one member for a term expiring in 2001, one member for a term expiring in 2002, and one member for a term expiring in 2003. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.]

324.481. 1. The [division] **board** shall upon recommendation of the committee license applicants who meet the qualifications for acupuncturists, who file for licensure, and who pay all fees required for this licensure.

2. The division shall:

- (1) Prescribe [application] **the design of all** forms to be furnished to all persons seeking licensure pursuant to sections 324.475 to 324.499;



(2) Prescribe the form and design of the license to be issued pursuant to sections 324.475 to 324.499[;

(3) Set the fee for licensure and renewal thereof].

3. The board shall:

(1) Maintain a record of all board and committee proceedings regarding sections 324.475 to 324.499 and of all acupuncturists licensed in this state;

(2) Annually prepare a roster of the names and addresses of all acupuncturists licensed in this state, copies of which shall be made available upon request to any person paying the fee therefor;

(3) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(4) Adopt an official seal;

(5) Inform licensees of any changes in policy, rules or regulations[.];

**(6) Upon the recommendation of the committee, set all fees, by rule, necessary to administer the provisions of sections 324.475 to 324.499.**

4. The board may with the approval of the advisory committee:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend or revoke licensure;

(2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions of sections 324.475 to 324.499 including, but not limited to, regulations establishing:

(a) Standards for the practice of acupuncture;

(b) Standards for ethical conduct in the practice of acupuncture;

(c) Standards for continuing professional education;

(d) Standards for the training and practice of auricular detox technicians, including specific enumeration of points which may be used.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this [act] **section** shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

**6. All funds received by the board pursuant to the provisions of sections 324.240 to 324.275 shall be collected by the director who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the "Acupuncturist Fund" which is hereby created.**

**7. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the acupuncturist fund for the preceding fiscal year.**

324.484. 1. Nothing in sections 324.475 to 324.499 shall be construed to apply to physicians and surgeons licensed pursuant to sections 334.010 to 334.265, RSMo, or [chiropractors] **chiropractic physicians** licensed pursuant to chapter 331, RSMo; except that, if such physician or surgeon or [chiropractor] **chiropractic physician**, with or without a current certification in meridian therapy, uses the title, licensed acupuncturist, then the provisions of sections 324.475 to 324.499 shall apply.

2. No license to practice acupuncture shall be required for any person who is an auricular detox technician, provided that such person performs only auricular detox treatments as defined in section 324.475, under the supervision of a licensed acupuncturist [or a physician licensed pursuant to sections 334.010 to 334.265, RSMo, or a chiropractor licensed pursuant to chapter 331, RSMo,] and in accordance with regulations promulgated pursuant to sections 324.475 to 324.499 [by the division]. An auricular detox technician may not insert acupuncture needles in any other points of the ear or body or use the title, licensed acupuncturist.

324.487. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the [division] **board** pursuant to sections 324.475 to 324.499; or

(2) Is engaged in a supervised course of study that has been authorized by the committee approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.



2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and meets one of the following requirements:

(a) Is actively certified as a Diplomat in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine; or

(b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as determined by the committee and approved by the board; and

(2) Submits to the committee an application on a form [provided] **prescribed** by the division; and

(3) Pays the **appropriate** fee [specified by the division].

3. The [division] **board** shall issue a certificate of licensure to each individual who satisfies the requirements of subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

324.490. 1. Licenses issued pursuant to sections 324.475 to 324.499 shall expire [on July first of each odd-numbered year] **every other year**. Renewal applications shall be submitted to the division along with [a] **the appropriate** renewal fee[, to be determined by the division].

2. A license to practice acupuncture which is not renewed on or before the date of its expiration becomes invalid. Such license may be restored by complying with the provisions of section 324.493.

324.493. Any acupuncturist who fails to renew such acupuncturist's license on or before the date of its expiration may restore such license as follows:

(1) If the application for renewal is submitted to the [division] **committee** not more than two years after the expiration of the applicant's last license, by payment of the **appropriate** fee [specified by the division] and by providing all documentation required by the [division] **committee** by rule; or

(2) If the application for renewal is submitted to the [division] **committee** more than two years after the expiration of the applicant's last license, by payment of the **appropriate** fee [specified by the division], and by reapplying as provided in subdivisions (1) and (2) of subsection 2 of section 324.487.

**331.085. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:**

**(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required by this chapter upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or**

**(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee.**

**2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.**

**3. Any action brought pursuant to this section shall be in addition to and not in lieu of any penalty provided in this chapter and may be brought concurrently with other actions to enforce the provisions of this chapter.**

**4. Nothing in this section shall be construed to prohibit a person licensed or registered pursuant to chapter 334, RSMo, whose license is in good standing from acting within the scope of his or her practice.**

**334.506. 1. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from providing educational resources and training, developing fitness or wellness programs for asymptomatic persons, or providing screening or consultative services within the scope of physical therapy practice without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, except that no physical therapist shall initiate treatment for a new injury or illness without the prescription or direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing.**

**2. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from examining and treating, without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any person with a recurring, self-limited injury within one year of diagnosis by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, or any person with a chronic illness that has been previously diagnosed by a person licensed and registered as a physician and surgeon pursuant**

to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, except that a physical therapist shall contact the patient's current physician, chiropractor, dentist, or podiatrist, within seven days of initiating physical therapy services, pursuant to this subsection, shall not change an existing physical therapy referral available to the physical therapist without approval of the patient's current physician, chiropractor, dentist, or podiatrist, and shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any patient whose medical condition should, at the time of examination or treatment, be determined to be beyond the scope of practice of physical therapy. A physical therapist shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any person whose condition, for which physical therapy services are rendered pursuant to this subsection, has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever shall come first. If the person's condition for which physical therapy services are rendered under this subsection shall be documented to be progressing toward documented treatment goals, a physical therapist may continue treatment without referral from a physician, chiropractor, dentist or podiatrist, whose license is in good standing. If treatment rendered under this subsection is to continue beyond thirty days, a physical therapist shall notify the patient's current physician, chiropractor, dentist, or podiatrist before continuing treatment beyond the thirty day limitation. A physical therapist shall also perform such notification before continuing treatment rendered under this subsection for each successive period of thirty days.

3. The provision of physical therapy services of evaluation and screening pursuant to this section, shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section, may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the provisions of subsection 2 of this section, may be delegated by physical therapists to physical therapist assistants only if the patient's current physician, chiropractor, dentist, or podiatrist has been so informed as part of the physical therapist's seven day notification upon reinitiation of physical therapy services as required in subsection 2 of this section. Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of a physician and surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing. Nothing in this subsection shall prohibit a person licensed or registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, from acting within the scope of their practice as defined by the applicable chapters of RSMo.

4. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace a written examination and which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners. The examination shall be given by the board at least once each year. **The board shall not issue a license to practice as a physical therapist assistant or allow any person to sit for the Missouri state board examination for physical therapist assistants who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.** The examination given at any particular time shall be the same for all candidates and the same curriculum shall be included and the same questions shall be asked.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. Examination grades or scores shall be preserved by the board subject to public inspection. Examination papers retained by the board shall be subject to public inspection for a period of three years and thereafter may be destroyed.

6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively



engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after rules developed by the state board of registration for the healing arts regarding physical therapist assistant licensing become effective.

7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

334.660. The board shall license without examination legally qualified persons who hold certificates of licensure, registration or certification in any state or territory of the United States or the District of Columbia, who has had no violations, suspensions or revocations of such license, registration or certification, if such persons have passed a written examination to practice as a physical therapist assistant that was substantially equal to the examination requirements of this state and in all other aspects, including education, the requirements for such certificates of licensure, registration or certification were, at the date of issuance, substantially equal to the requirements for licensure in this state. **The board shall not issue a license to any applicant who has failed three or more times any physical therapist assistant licensing examination administered in one or more states or territories of the United States or the District of Columbia.** Every applicant for a license pursuant to this section, upon making application and providing documentation of the necessary qualifications as provided in this section, shall pay the same fee required of applicants to take the examination before the board. Within the limits of this section, the board may negotiate reciprocal contracts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states.".

On motion of Representative Treadway, **House Amendment No. 3** was adopted.

On motion of Representative Ladd Stokan, **HS HCS SCS SBs 8 & 173, as amended**, was adopted.

On motion of Representative Ladd Stokan, **HS HCS SCS SBs 8 & 173, as amended**, was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hosmer Howerton

Kasten Kelley 47 Kelly 27 King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 001

Kennedy

ABSENT WITH LEAVE: 007

Bartelsmeyer Crawford Franklin Hoppe McLuckie  
Secrest Ward

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS SS#2 SB 288**, relating to tobacco settlement trust fund, was taken up by Representative McLuckie.

Representative Hanaway offered **House Amendment No. 1**.

Representative McLuckie raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hanaway offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1.3, Line 9, by inserting after the word "appropriation" the following language: "by the General Assembly."



On motion of Representative Hanaway, **House Amendment No. 1** was adopted.

Representative Tudor offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 8, by deleting said line and inserting in lieu thereof the following:

"health care, anti-smoking education, or transportation. Expenditures of such moneys shall be subject to"

Speaker Gaw assumed the Chair.

Representative Klindt offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 7, by inserting after the word "used" the word **primarily**.

Representative Klindt moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Patek offered **House Substitute Amendment No. 2 for House Amendment No. 2**.

Representative Smith offered **House Substitute Amendment No. 1 for House Substitute Amendment No. 2 for House Amendment No. 2**.

Representative Lograsso raised a point of order that **House Substitute Amendment No. 1 for House Substitute Amendment No. 2 for House Amendment No. 2** is in the third degree.

The Chair ruled the point of order well taken.

**House Substitute Amendment No. 2 for House Amendment No. 2** was withdrawn.

Representative Smith offered **House Substitute Amendment No. 2 for House Amendment No. 2**.

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 8, by inserting before the words "health care" the following: "**for tobacco-related**"; and

Further amend the title and enacting clause accordingly.

On motion of Representative Smith, **House Substitute Amendment No. 2 for House Amendment No. 2** was adopted by the following vote:

AYES: 130

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Boatright Bonner Boucher

Boykins Bray 84 Britt Campbell Carter

Chrismer Cierpiot Clayton Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Enz Farnen Fitzwater Foley Ford

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hollingsworth Hosmer Howerton Kasten

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pryor

Ransdall Reid Reinhart Relford Reynolds

Richardson Riley Rizzo Robirds Ross

Sallee Scheve Schilling Scott Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Thompson 37 Thompson 72 Townley

Treadway Troupe Van Zandt Vogel Wagner

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 024

Ballard Bartle Blunt Burton Champion

Crawford Elliott Evans Foster Griesheimer

Hohulin Holand Kelley 47 King Linton

Merideth Murphy Myers Pouche Purgason

Schwab Surface Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Froelker Green Hoppe Luetkenhaus Ridgeway

Secrest Ward

VACANCIES: 002

Representative Lawson offered **House Amendment No. 3**.

Representative Smith raised a point of order that **House Amendment No. 3** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Bartle offered **House Amendment No. 3**.

Representative McLuckie raised a point of order that **House Amendment No. 3** amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative McLuckie, **HCS SS#2 SB 288, as amended**, was adopted.

On motion of Representative McLuckie, **HCS SS#2 SB 288, as amended**, was read the third time and passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Riley Rizzo Robirds Ross

Sallee Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Wagner  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 008

Bartle Burton Elliott Evans Hohulin  
Lawson Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Green Hoppe Mays 50 Ridgeway Scheve  
Secrest Vogel Ward

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative McKenna, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 405**, relating to recreational systems, was taken up by Representative Murray.

Representative Murray offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 3, Section 67.791, Line 39, by deleting the following: "**144.807**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 19, Section 67.799, Line 27, by deleting the following: "**144.807**" and inserting in lieu thereof the following: "**144.525**".

On motion of Representative Murray, **House Amendment No. 1** was adopted.

Representative Murray offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 9, Section 67.791, Line 249, by inserting at the end of said line the following: "**In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in subdivision (3) of this subsection.**"



(3) In each county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, a municipal grant commission shall be established for the purpose of awarding grant proceeds to municipalities for park and recreation purposes. The municipal grant commission shall establish rules and shall evaluate, approve and distribute grants and ensure the proper management of the municipal grant program described in subdivision (2) of this subsection. In making its grant distribution decisions, the municipal grant commission shall consider such factors as the population of municipalities within a county, the level of intergovernmental cooperation on grant requests to the municipal grant commission, the amount of grant funds provided to specific municipalities in prior years and the park and recreation needs in the municipality requesting the grant. The municipal grant commission shall consist of one voting member from each county council district, none of whom shall be municipal officials. Members of the municipal grant commission shall be elected by the chief elected officials of the municipalities located predominately by population in such county council district. The municipal grant commission shall also have two nonvoting members. One of the nonvoting members shall be a full-time city administrator and the other shall be a full-time municipal parks and recreation employee. The municipal grant commission shall also establish a nine-member advisory committee. The nonvoting member of the municipal grant commission who is a full-time municipal parks and recreation employee shall serve as chair of such advisory committee.".

Representative Loudon offered **House Amendment No. 1 to House Amendment No. 2**.

**House Amendment No. 1 to House Amendment No. 2** was withdrawn.

On motion of Representative Murray, **House Amendment No. 2** was adopted.

Representative Kennedy offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 9, Section 67.791, Line 244, by inserting immediately after the word "district." the following: "**Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision.**".

On motion of Representative Kennedy, **House Amendment No. 3** was adopted.

Representative Hosmer offered **House Amendment No. 4**.

Representative Murray raised a point of order that **House Amendment No. 4** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Murray, **HCS SCS SB 405, as amended**, was adopted.

On motion of Representative Murray, **HCS SCS SB 405, as amended**, was read the third time and passed by the following vote:

AYES: 135

Alter Auer Backer Ballard Barry 100

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Long Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 012

Akin Barnett Cierpiot Enz Hartzler 124  
Hohulin King Loudon Murphy Reid  
Smith Summers

PRESENT: 000

ABSENT WITH LEAVE: 014

Abel Dolan Franklin Harlan Hoppe  
Linton Lograsso Luetkenhaus Patek Scheve  
Scott Secrest Ward Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SBs 31 & 285**, relating to campaign finance administration, was taken up by Representative Seigfreid.

Representative Relford offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285, Page 12, Section 105.964, Line 7, by deleting the word "**seven**" and inserting in lieu thereof the word "**eight**"; and

Further amend said bill, Page 24, Section 130.046, Line 3, by deleting the word "seventh" and inserting in lieu thereof the following: "[seventh] **eighth**".

On motion of Representative Relford, **House Amendment No. 1** was adopted.

Representative Green offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285, Page 29, Section 130.057, Line 18, by deleting the word "shall" and inserting in lieu thereof the following: "[shall] **may**".

On motion of Representative Green, **House Amendment No. 2** was adopted.

Representative O'Toole offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285, Page 1, In the Title, Line 2, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 29, Section 130.050, Line 53, by inserting after all of said line the following:

"130.056. 1. The executive director of the Missouri ethics commission shall:

(1) Take such steps as are necessary to disseminate among the general public such information as may serve to guide all persons who are or may become subject to the provisions of this chapter for the purpose of facilitating voluntary compliance with the purposes and provisions of this chapter;

(2) Be responsible for expediting the filing of all reports, statements and other information required to be filed pursuant to the provisions of this chapter and, in connection therewith, be responsible for developing procedures whereby all candidates shall be informed of the provisions of section 130.016 so as to assure the timely filing of statements which some candidates are eligible to file as provided in section 130.016;

(3) Develop and publish forms and printed instructional material and furnish such forms and instructions to persons required to file reports and statements pursuant to the provisions of this chapter, together with a summary of the provisions of chapter 115, RSMo, which apply to candidates and committees covered by this chapter, provided, however, such forms shall not seek information which is not specifically required by this chapter. All forms furnished pursuant to this chapter shall clearly state in readable type on the face of the form the date on which the form became effective. The forms published by the executive director shall provide for compliance with reporting and other provisions of this chapter. Any report form published by the executive director for purposes of compliance with section 130.041 shall provide for reporting contributions from individuals, corporations, labor organizations and fictitious entities and contributions from committees on the same form. Contributions from committees shall be listed first on each report form. All expenditures shall also be reported on a single report form;



- (4) Develop a filing, coding and cross-indexing system for reports and statements required to be filed with the Missouri ethics commission, and preserve such reports and statements for a period of not less than five years from date of receipt;
- (5) Make the reports and statements filed with the Missouri ethics commission available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;
- (6) Examine each report and statement filed with the Missouri ethics commission pursuant to the requirements of this chapter to determine if the statements are properly completed and filed within the time required by this chapter;
- (7) Notify a person required to file a report or statement pursuant to this chapter with the Missouri ethics commission immediately if, upon examination of the official ballot or other circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;
- (8) From reports filed with the Missouri ethics commission, prepare and publish an annual report including compilations of amounts contributed and expended for the influencing of nominations and elections;
- (9) Prepare and publish such other reports as the Missouri ethics commission deems appropriate;
- (10) Disseminate statistics, summaries, and reports prepared under this chapter;
- (11) Employ staff and retain such contract services, including legal services to represent the commission before any state agency or before the courts as the executive director deems necessary within the limits authorized by appropriation by the general assembly.

2. Each appropriate officer other than the executive director of the Missouri ethics commission shall:

- (1) Assist the executive director in furnishing forms and printed instructional material to persons required to file reports and statements pursuant to the provisions of this chapter;
- (2) Accept reports and statements required to be filed with the person's office;
- (3) Develop for the officer's constituency a filing, coding, and cross-indexing system consonant with the purposes of this chapter;
- (4) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;
- (5) Preserve such reports and statements for a period of not less than five years from the date of receipt;
- (6) Examine each report and statement filed with the person's office pursuant to the requirements of this chapter to determine if the reports and statements appear to be complete and filed within the required time;
- (7) Notify a person required to file a report or statement pursuant to this chapter immediately if, upon examination of the circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;
- (8) Notify the Missouri ethics commission if the person has reasonable cause to believe that a violation of this chapter has occurred;
- (9) Assess every candidate for state or local office failing to file with a local election authority pursuant to section 130.026, a campaign disclosure report as required by chapter 130, RSMo, other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of ten dollars for each day such report is due to the election authority. The local election authority shall mail a notice, by registered mail, to any candidate and candidate committee treasurer and deputy treasurer who fails to file such report informing such person of such failure and the fees provided by this subdivision. If the candidate persists in such failure for a period in excess of thirty days beyond the receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed three thousand dollars.**

3. Any person receiving from an appropriate officer a copy of, or who is permitted to inspect or make a copy of, any report or statement filed pursuant to the requirements of this chapter shall sign a statement that the person will not utilize the reports or statements or any information thereon for any commercial use, except for public news reporting, whatsoever and will not transfer the information obtained to any other persons for such purposes. It shall be the responsibility of each appropriate officer to instruct any person making a request to inspect, copy or receive a copy of any report or statement or any portion of a report or statement filed pursuant to this chapter that the utilization of any information obtained from such reports for any commercial purpose is a violation of this chapter."

On motion of Representative O'Toole, **House Amendment No. 3** was adopted.



Representative Backer offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285, Page 31, Section 1, Line 4, by inserting immediately after said line the following:

**"Section 2. There is hereby created the position of director of electronic information systems within the Missouri ethics commission. The director of electronic information systems shall, at a minimum, have a baccalaureate degree from an accredited institution of higher education with a major in computer science, computer engineering or computer programming. In addition to the baccalaureate degree, the director shall have appropriate work experience in the field of computer science, computer engineering or computer programming. The director shall be employed pursuant to subsection 11 of section 105.955, RSMo. The director shall administer and be responsible for the establishment, implementation and maintenance of computer systems, electronic reporting and other electronic information and communication systems as may be required pursuant to the authority and requirements of the Missouri ethics commission.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Backer, **House Amendment No. 4** was adopted.

**HCS SCS SBs 31 & 285, as amended,** was laid over.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1061** - Public Health

**HB 1062** - Motor Vehicle and Traffic Regulations

**HB 1064** - Education - Elementary and Secondary

**HB 1065** - Labor

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SS SCS SBs 14, 60 & 69** - Fiscal Review (Fiscal Note)

**HCS SS SCS SBs 160 & 82** - Fiscal Review (Fiscal Note)

**SCS SB 374** - Workers Compensation and Employment Security

**SCS SB 377** - Public Health

**COMMITTEE REPORTS**

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **5TH CONGRESSIONAL DEMOCRATIC CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

April 28, 1999

Honorable Ralph Monaco, Chair

5th Congressional Democratic Caucus

State Capitol, Room 405A

Jefferson City, MO 65101

Dear Rep. Monaco:

I would like to be added as a member of the 5th Congressional Democratic Caucus.

Sincerely,

/s/ Terry Riley

Representative, District 43

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **FAMILY FARM CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

TO: Representative Robert Clayton, Chairman

House Ethics Committee

FROM: Representative David Klindt

Representative Maurice Lawson

DATE: April 14, 1999

RE: Family Farm Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1998 and the rules of the Missouri House of Representatives, I would like for the following names be added to the Family Farm Caucus.

Please contact me at 751-1415, if you have any questions concerning this caucus organization.

/s/ Vicky Hartzler

/s/ Mark Hampton

/s/ Lloyd Daniel

/s/ Ken Legan

/s/ Sam Berkowitz

TO: Representative Robert Clayton, Chairman

House Ethics Committee

FROM: Representative David Klindt

Representative Maurice Lawson

DATE: April 27, 1999

RE: Family Farm Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1998 and the rules of the Missouri House of Representatives, I would like for the following names be added to the Family Farm Caucus.

Please contact me at 751-1415, if you have any questions concerning this caucus organization.

/s/ Jim Howerton

/s/ Mary Kasten

/s/ Scott Lakin

/s/ David Schwab

/s/ Charles Shields

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **FRESHMAN CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

April 21, 1999

The Honorable Robert Clayton

Chair, Ethics Committee

State Capitol, Room 114C

Jefferson City, MO 65101

RE: Freshman Caucus

Dear Representative Clayton:

I would like to be added as a member of the Freshman Caucus.

Sincerely,

/s/ Terry Riley

Representative, District 43

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **FRESHMAN DEMOCRAT CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

April 21, 1999

The Honorable Robert Clayton

Chair, Ethics Committee

State Capitol, Room 114C

Jefferson City, MO 65101

RE: Freshman Democratic Caucus

Dear Representative Clayton:

I would like to be added as a member of the Freshman Democratic Caucus.

Sincerely,

/s/ Terry Riley

Representative, District 43

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **GREATER KANSAS CITY CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

April 29, 1999

The Honorable Robert Clayton, Chairman

House Committee on Ethics

House Post Office

State Capitol

Jefferson City, MO 65101

Dear Mr. Chairman:

Representative /s/ Terry Riley would like to be added as a member of the Greater Kansas City Caucus.

Thank you for your attention in this request.

Sincerely,

/s/ Bill Skaggs

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **GREATER KANSAS CITY DEMOCRATIC CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

April 29, 1999

The Honorable Robert Clayton, Chairman

House Committee on Ethics

House Post Office

State Capitol

Jefferson City, MO 65101

Dear Mr. Chairman:

Representative /s/ Terry Riley would like to be added as a member of the Greater Kansas City Democratic Caucus.

Thank you for your attention in this request.

Sincerely,

/s/ Bill Skaggs



Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **LEGISLATORS FOR A MODERATE AGENDA CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

TO: Robert Clayton, Chairman

Ethics Committee

FROM: Representative Tim Green

DATE: April 27, 1999

RE: New Member for Caucus

In accordance with section 105.470.4(2)(c)d RSMo 1991, I am adding the following member of the General Assembly as a member of the Caucus for Legislators for a Moderate Agenda.

/s/ Glenda Kelly

District 27

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **MISSOURI HOUSE DEMOCRATIC CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

DATE: April 20, 1999

TO: Representative Robert Clayton

Chairman, House Committee on Ethics

FROM: Representative Dana L. Murray

Majority Caucus Secretary

RE: Addendum to House Democratic Caucus

In accordance with Section 105.473.3(2)(c)d RSMo, we would like to add the following member of the General Assembly as a member of the Missouri House Democratic Caucus:

**District Name**

43 /s/ Terry Riley

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **MISSOURI LEGISLATIVE BLACK CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

Date: 04/27/99

To: Robert Clayton

From: Russell Gunn

RE: Missouri Legislative Black Caucus

Please add Terry Riley to the Missouri Legislative Black Caucus.

Thank You.

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **WOMEN LEGISLATORS OF MISSOURI CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

DATE: April 13, 1999

TO: Representative Robert Clayton  
Chairman, House Committee on Ethics

FROM: Representative Dana Murray  
President of Women Legislators of Missouri

In accordance with Section 105.473.3(2)(c) RSMo, we would like to add the following member of the General Assembly as a member of the Women Legislators of Missouri:

**District Name**

99 /s/ Catherine S. Enz

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 348**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 348, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 348;
2. That the House recede from its position on House Committee Substitute for House Bill No. 348;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Phil Smith /s/ Harold Caskey

/s/ Randall Relford /s/ John E. Scott

/s/ D. J. Davis /s/ James Mathewson

/s/ Betty Sims

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCS HCR 3**.

*Senate Committee Substitute*

*for*

*House Committee Substitute*

*for*

*House Concurrent Resolution No. 3*

WHEREAS, at the general election of 1992, seventy-five percent of Missouri voters adopted a measure to limit the terms of members of the Missouri General Assembly; and

WHEREAS, all legislators elected after 1992 are limited to a maximum of eight years, or four terms, in the Missouri House of Representatives, and eight years, or two terms, in the Missouri Senate; and

WHEREAS, while the merits of legislative term limits can and will be debated by numerous citizens and interested parties, there is no question: that term limits are part of the Missouri Constitution; that this law has already shortened the terms of some Missouri legislators; and that these limits will produce substantial repercussions on state government in the foreseeable future; and

WHEREAS, it would be a responsible and prudent action to prepare for the impending impact of legislative term limits; and

WHEREAS, it should be determined whether term limits will affect the balance of power between the legislative, executive and judicial branches, and if so, what measures should be taken to preserve the strength of the legislative branch; and

WHEREAS, it should also be determined whether term limits are likely to lead to an increased influence for state government employees and governmental consultants, or lobbyists, and, if so, if any preparations should be made to counteract this increased influence; and

WHEREAS, because of term limits, the citizen-members of the Missouri General Assembly will be expected to assume leadership positions and committee chairmanships at a faster rate than is currently expected even though they will have less time to study issues or learn the legislative process; and

WHEREAS, the potential impact on urban, suburban and rural issues and representation should be studied; and

WHEREAS, it could be of great assistance in preparing for the impact of term limits if ideas, recommendations and information could be garnered from present and former legislators, political scientists, interested citizens and scholars who have previously studied this issue and are familiar with term limit ramifications in other states:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Legislative Term Limits be created to study the likely effects of term limits and to make recommendations on how best to prepare for the impact of term limits; and

BE IT FURTHER RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro Tem of the Senate, with no more than three House members or three Senate members being from the same political party and with at least two House members and two Senate members first being elected in or prior to November 1994 and at least one House member and one Senate member first being elected after November 1994; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCS HCR 19**.

*Senate Committee Substitute*  
*for*  
*House Committee Substitute*  
*for*  
*House Concurrent Resolution No. 19*

WHEREAS, through the "Share the Harvest" program, hunters donate approximately thirty thousand pounds of venison annually to those in need; and

WHEREAS, through the generosity of these hunters, seventy-seven approved charitable organizations, spread throughout the state of Missouri, have received venison to distribute to needy families and individuals; and

WHEREAS, deer is a valuable source of protein but is unusually low in fat and many families and individuals have no dependable source of protein in their diets; and

WHEREAS, the program is a safe and healthy way for these individuals to get protein in their diet, because all participating deer processors must be licensed by the Department of Conservation and inspected by the United States Department of Agriculture; and

WHEREAS, the hunter normally pays the processing fee and more hunters would donate more venison to more needy families, if there were other sources of funds to pay the processing cost:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call for the Missouri Department of Conservation and the Department of Social Services to develop a partnership with the private sector to provide funds to pay for the processing costs for those hunters who donate their venison to charity through the "Share the Harvest" program; and

BE IT FURTHER RESOLVED that the Department of Conservation actively promote the Share the Harvest Program in coordination with the Conservation Federation of Missouri and other organizations to provide additional awareness of the opportunities to donate processed venison to charitable organizations and the availability of funding of processing costs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the directors of the Missouri Department of Conservation and the Department of Social Services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 248** and has taken up and passed **CCS SCS HB 248**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 261**, entitled:



An act to repeal section 94.655, RSMo Supp. 1998, relating to transportation sales taxation, and to enact in lieu thereof one new section relating to the same subject.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND House Bill No. 261, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with a termination date"; and

Further amend said bill, Page 1, Section 94.655, Line 6, by inserting after all of said line the following:

"Section B. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2001."

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 346**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 219**: Senators: Caskey, Scott, Mathewson, Klarich and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SB 291, as amended**, and has taken up and passed **CCS HS HCS SB 291**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 334** and has taken up and passed **HCS SCS SB 334, as amended by CCR**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SB 436**: Senators: Quick, Scott, Mathewson, Sims and Yeckel.

**WITHDRAWAL OF HOUSE RESOLUTION**

May 3, 1999

The Honorable Steve Gaw, Speaker

Room 308, State Capitol

Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that **House Resolution No. 713**, pertaining to the use of the House Chambers and Hearing Rooms for the 4-H Citizenship Workshop be withdrawn from further consideration.

Thank you for your time and attention to this matter.

Sincerely,

/s/ Larry Crawford

## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, May 4, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-first Day, Thursday, April 29, 1999, pages 1613 and 1614, roll call, by showing Representatives Luetkemeyer and Riback Wilson voting "aye" rather than "absent with leave".

Pages 1617 and 1618, roll call, by showing Representative Scott voting "aye" rather than "absent with leave".

Page 1620, roll call, by showing Representatives Franklin and Ridgeway voting "aye" rather than "absent with leave".

Page 1621, roll call, by showing Representatives Franklin and Mays (50) voting "aye" rather than "absent with leave".

Page 1622, roll call, by showing Representatives Franklin and Kelley (47) voting "aye" rather than "absent with leave".

Pages 1623 and 1624, roll call, by showing Representatives Naeger and Patek voting "aye" rather than "absent with leave".

Page 1625, roll call, by showing Representatives Franklin and Lakin voting "aye" rather than "absent with leave".

Page 1625, roll call, by showing Representatives Kelley (47) and King voting "no" rather than "absent with leave".

Page 1626, roll call, by showing Representatives Berkstresser, Franklin, Howerton, King, Lakin, Nordwald, Parker, Reinhart, Ridgeway, Scott and Smith voting "aye" rather than "absent with leave".

Pages 1627 and 1628, roll call, by showing Representatives Franklin, Kelley (47), King, Lakin, Levin, Long, Nordwald, Parker and Ridgeway voting "aye" rather than "absent with leave".

Pages 1628 and 1629, roll call, by showing Representatives Franklin, Lakin and Parker voting "aye" rather than "absent with leave".

Pages 1629 and 1630, roll call, by showing Representatives Dolan, Enz, Levin, Parker, Purgason, Relford and Surface voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **CRIMINAL LAW**

Tuesday, May 4, 1999, 9:00 am. Hearing Room 9.

To be considered - Executive Session - SB 94, Executive Session - SB 328,

Executive Session - SB 371

### **EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, May 4, 1999. Hearing Room 8 upon noon adjournment. AMENDED NOTICE.

To be considered - Executive Session - HB 480

### **FISCAL REVIEW**

Tuesday, May 4, 1999, 9:00 am. North side of gallery. AMENDED NOTICE.

To be considered - SB 14

#### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, May 5, 1999, 1:30 pm. Hearing Room 7.

#### MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 5, 1999, 9:00 am. Hearing Room 9. Executive session may follow.

To be considered - SB 525

#### MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, May 4, 1999. Hearing Room 7 upon morning adjournment. Executive session to follow.

To be considered - SB 248, SB 392

#### HOUSE CALENDAR

SIXTY-THIRD DAY, TUESDAY, MAY 4, 1999

#### HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

#### HOUSE BILLS FOR PERFECTION

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz

9 HB 519 - Relford

10 HCS HB 535 - May (108)

11 HB 406 - Mays (50)

12 HB 146, HCA 1 - Wiggins

13 HB 787 - Wiggins

14 HB 59, HCA 1 - Boucher

15 HB 699, HCA 1 - Kreider

16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)  
2 HCR 37, (4-28-99, pg. 1599) - Skaggs

**HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCS SCS SCR 15, (4-29-99, pg. 1633) - McBride

**SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 295 & 46, E.C., (Fiscal Review 4-21-99) - May (108)  
2 HCS SCS SB 308 & 314 - Skaggs  
3 HCS SCS SB 346 - Days  
4 HCS SCS SB 31 & 285, E.C., as amended - Seigfreid  
5 SB 4 - Thompson (37)  
6 HCS SB 399, E.C. - Davis (122)  
7 SB 76 - Shelton  
8 HCS SB 196 - Rizzo  
9 SB 32 - Luetkenhaus  
10 HCS SS SCS SB 338 - Harlan  
11 SB 326 - Harlan



12 HCS SB 20 - Schilling

13 HCS SS SCS SB 14, 60 & 69, (Fiscal Review 5-3-99) - Bray

14 SB 495 - Mays (50)

15 HCS SCS SB 61 - Hoppe

16 HCS SS SCS SB 335 - Parker

17 HCS SS SCS SB 160 & 82, E.C., (Fiscal Review 5-3-99) - Hoppe

18 HCS SS SB 373 - Crump

#### **SENATE BILL FOR THIRD READING - INFORMAL**

HCS SS#2 SB 163 - Kelly (27)

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 34, SCA 1 - Auer

2 HB 261, SA 1 - Auer

#### **BILLS IN CONFERENCE**

1 SCS HCS HB 2 - Lakin

2 SCS HCS HB 3 - Lakin

3 SCS HCS HB 4, as amended, - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Franklin

6 SCS HCS HB 7 - Franklin

7 SCS HCS HB 8 - Lakin

8 SCS HCS HB 9 - Franklin

9 SCS HCS HB 10, as amended, - Carter

10 SCS HCS HB 11, as amended, - Troupe

11 SCS HCS HB 12 - Green

12 CCR SCS HCS HB 348 - Smith

13 CCR HS HCS SB 291, as amended, E.C. - Dougherty

14 CCR HCS SCS SB 334 - Wiggins

15 SCS HB 789 - Berkstresser

16 HS HCS SCS SB 436, as amended - Hoppe

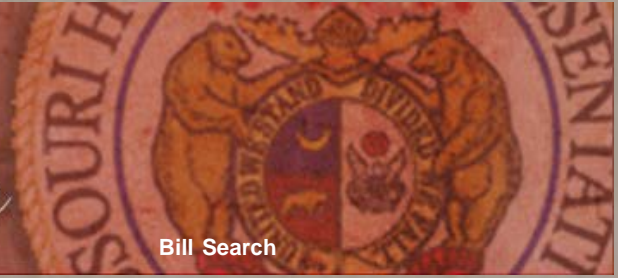
17 HCS SB 219, as amended - Bray



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

SIXTY-THIRD DAY, Tuesday, May 4, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

We know, O Lord, that You can see the hidden things in every heart. If we plan, or propose, or intend good, help us and encourage us so good may come. But if what we plan or intend is not for the good, then we pray, You will take it away and give us the spirit we ought to have, that we may do what we ought to do.

Bless our nation. Bless this state. Bless this House. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ali Fretwell, Libby Stanley, Will Foss, Alan Fischer, Brittany Cohoon, Matt Swaters, Joe Harris, Kelly Bauer, Brittany Hart, Logan Thorp, Sam Spears, Nathan Dunn, Lauren Dunn and Dustin Dunn.

The Journal of the sixty-second day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1234 - Representatives Elliott, Burton and Surface

House Resolution No. 1235 - Representative Legan

House Resolution No. 1236 - Representative Berkowitz

House Resolution No. 1237 - Representative Naeger

House Resolution No. 1238 - Representative Sallee

House Resolution No. 1239 - Representative Ross

House Resolution No. 1240 - Representative Gratz

House Resolution No. 1241 and House Resolution No. 1242 - Representative Patek

House Resolution No. 1243 - Representative Abel

House Resolution No. 1244 - Representative Foley

### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 14, 60 & 69 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 295 & 46 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Representative Smith assumed the Chair.

#### **BILL IN CONFERENCE**

**CCR HS HCS SB 291, as amended**, relating to child support enforcement, was taken up by Representative Dougherty.

Representative Dougherty moved that **CCR HS HCS SB 291, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 030

Auer Barry 100 Bonner Bray 84 Campbell

Davis 122 Days Dougherty Fraser Gambaro

Harlan Hosmer Kennedy May 108 McClelland

McLuckie Rizzo Scheve Schilling Selby

Shelton Stokan Thompson 37 Thompson 72 Troupe

Van Zandt Wagner Ward Williams 121 Wilson

NOES: 124

Abel Alter Backer Ballard Barnett

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Boucher Britt

Burton Carter Champion Chrismer Cierpiot

Crawford Crump Daniel Davis 63 Dolan

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Froelker

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble Mays 50 McBride

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Robirds Ross Sallee Schwab  
Scott Seigfreid Shields Skaggs Smith  
Summers Surface Townley Treadway Tudor  
Vogel Wiggins Williams 159 Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Akin Boykins Clayton Hilgemann Hoppe  
Secrest Mr. Speaker

VACANCIES: 002

Representative Dougherty moved that the House refuse to adopt **CCR HS HCS SB 291, as amended**, and request the Senate to grant the House a further conference.

Which motion was adopted.

#### MOTION

Representative Franklin moved that Rule 26 be suspended to allow the conferees on **SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 10, SCS HCS HB 11** and **SCS HCS HB 12** to meet on Tuesday, May 4, 1999 only, while the House is in session.

Which motion was adopted by the following vote:

AYES: 143

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Howerton  
Kasten Kelley 47 Kennedy King Kissell



Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson

NOES: 010

Ballard Bartle Blunt Boatright Hanaway  
Hohulin Murphy Nordwald Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Dolan Hoppe Hosmer Kelly 27 Linton  
Patek Secrest Mr. Speaker

VACANCIES: 002

#### **BILL IN CONFERENCE**

**CCR HCS SCS SB 334**, relating to environmental remediation, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **CCR HCS SCS SB 334** was adopted by the following vote:

AYES: 148

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Fitzwater

Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hosmer Howerton Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 011

Dougherty Foley Franklin Hoppe Kasten  
Kelly 27 Lograsso Luetkemeyer Patek Secrest  
Mr. Speaker

VACANCIES: 002

On motion of Representative Wiggins, **HCS SCS SB 334, as amended by the CCR**, was truly agreed to and finally passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hosmer Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Leake Legan Levin Liese  
Linton Long Loudon Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 015

Dougherty Franklin Gibbons Hagan-Harrell Hegeman  
Hoppe Howerton Kelly 27 Lawson Lograsso  
Luetkemeyer Patek Secrest Van Zandt Mr. Speaker

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative McKenna, title to the bill was agreed to.

Representative Hampton moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILL WITH SENATE AMENDMENT

**HB 34, with Senate Committee Amendment No. 1**, relating to insurance, was taken up by Representative Auer and stricken from the calendar.

Speaker Pro Tem Kreider assumed the Chair.

#### THIRD READING OF HOUSE CONCURRENT RESOLUTION

**HCR 37**, relating to state capitol office space, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **HCR 37** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Crawford Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro George Gibbons Graham 106 Graham 24

Gratz Green Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds



Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 006

Clayton Griesheimer Hohulin McClelland Nordwald  
Pryor

PRESENT: 000

ABSENT WITH LEAVE: 009

Crump Gaskill Harlan Hollingsworth Hoppe  
Lakin Leake Luetkemeyer Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**HCS SCS SBs 31 & 285, as amended**, relating to the campaign finance administration, was taken up by Representative Seigfreid.

Representative Seigfreid offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 31, Section 105.966, Line 4, by deleting the words "**three months**" and inserting in lieu thereof the words "**ninety days**"; and

Further amend said bill, Page 31, Section 105.966, Line 5, by deleting the words "**be granted an additional three months**" and inserting in lieu thereof the words "**file a petition in the Cole County circuit court to request an additional ninety days**"; and

Further amend said bill, Page 31, Section 105.966, Line 6, by inserting at the end of said line the following: "**Upon filing the petition, the ninety day period shall be tolled until the court determines whether additional time is needed.**"; and

Further amend said bill, Page 31, Section 105.966, Line 11, by inserting after the word "**upon**" the following: "**by the ethics commission**".

On motion of Representative Seigfreid, **House Amendment No. 5** was adopted.

Representative Green offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 29, Section 130.057, Line 26, by deleting the word "shall" and in lieu thereof the following: "[shall]" "**may**."

Speaker Gaw resumed the Chair.

On motion of Representative Green, **House Amendment No. 6** was adopted.

Representative Griesheimer offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 25, Section 130.046, Line 50, by inserting after the following: "September." the following: "**No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election.**".

Representative Loudon offered **House Amendment No. 1 to House Amendment No. 7**.

*House Amendment No. 1*

to

*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 1, Section 130.046, Line 10, by deleting the word "fifteenth" and inserting in lieu thereof the word "twentieth".

Representative Loudon moved that **House Amendment No. 1 to House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Reynolds offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1*

for

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 25, Section 130.046, Line 50, by inserting after the word "September." the following:

**"No candidate, treasurer or deputy treasurer shall be required to file a required quarterly disclosure report if any**

other disclosure required by this section is due within 30 days of the date a quarterly reporting period ends."

Representative Reynolds moved that **House Substitute Amendment No. 1 for House Amendment No. 7** be adopted.

Which motion was defeated.

On motion of Representative Griesheimer, **House Amendment No. 7** was adopted.

Representative Abel offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 16, Section 130.031, Line 132, by adding after "information." the following:

"It shall also be a violation if the information contained in any printed or broadcast material is false and if done in conjunction and participation with any candidate, the candidate shall be held equally liable."

On motion of Representative Abel, **House Amendment No. 8** was adopted.

Representative Blunt offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 1, In the Title, Line 2, by deleting the following: "130.036,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirteen" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "130.036,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the following: "130.036,"; and

Further amend said bill, Page 14, Section 130.031, Line 50, by deleting the following: "[twenty-five] **one hundred**" and inserting in lieu thereof the following: "twenty-five"; and

Further amend said bill, Page 14, Section 130.031, Line 53, by deleting the following: "[twenty-five] **one hundred**" and inserting in lieu thereof the following: "twenty-five"; and

Further amend said bill, Pages 16 to 18, Section 130.036, Lines 1 to 68, by deleting all of said section; and

Further amend said bill, Page 21, Section 130.041, Line 18, by deleting the following: "[twenty-five] **one hundred**" and inserting in lieu thereof the following: "twenty-five"; and

Further amend said bill, Page 22, Section 130.041, Line 31,

by deleting the following: "[twenty-five] **one hundred**" and inserting in lieu thereof the following: "twenty-five".

Representative Blunt moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Backer Ballard Barnett Bartle Bennett

Black Blunt Boatright Boucher Boykins

Bray 84 Campbell Carter Champion Chrismer

Cierpiot Crawford Daniel Dolan Dougherty

Elliott Evans Franklin Fraser Froelker

Hanaway Hartzler 123 Hegeman Holand Hosmer

Howerton Kelley 47 Kennedy King Lawson

Legan Levin Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McClelland McKenna

McLuckie Merideth Miller Monaco Myers

Ostmann Patek Pryor Purgason Ridgeway

Robirds Sallee Schilling Scott Selby

Shields Skaggs Smith Stokan Summers

Van Zandt Vogel Wagner Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 076

Abel Akin Alter Auer Barry 100

Bartelsmeyer Berkowitz Berkstresser Bonner Britt

Burton Clayton Crump Davis 122 Davis 63

Days Enz Farnen Fitzwater Foley

Ford Foster Gambaro Gaskill George

Graham 106 Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Hartzler 124 Hendrickson

Hickey Hilgemann Hollingsworth Kasten Kelly 27

Kissell Koller Kreider Lakin Liese

Linton Lograsso Long McBride Murray

Naeger Nordwald O'Connor O'Toole Overschmidt

Parker Pouche Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Ross Scheve Schwab Seigfreid Shelton

Thompson 37 Thompson 72 Townley Treadway Troupe

Ward

PRESENT: 000

ABSENT WITH LEAVE: 011

Gibbons Gross Harlan Hohulin Hoppe

Klindt Leake Murphy Secrest Surface



Tudor

VACANCIES: 002

Representative Green offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 29, Section 130.050, Line 44, by deleting all of said line and inserting in lieu thereof the following:

"Section 130.032] **two hundred fifty dollars** by a candidate committee supporting a candidate for".

Representative Griesheimer offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

Representative Hartzler (124) raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 10** is not a true substitute amendment.

The Chair ruled the point of order well taken.

On motion of Representative Green, **House Amendment No. 10** was adopted.

Representative Patek offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 9, Section 16, Line 186, by inserting after said line the following:

**"Such advisory opinions shall be issued no later than ninety (90) days from date of receipt by the commission."**

On motion of Representative Patek, **House Amendment No. 11** was adopted.

Representative Griesheimer offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, Page 29, Section 130.050, Line 46, by deleting the following: "receipt." and inserting in lieu thereof the following: "receipt, **except that such candidate committee shall not be required to submit such reports if the candidate is running unopposed in such election.**".

Representative Griesheimer moved that **House Amendment No. 12** be adopted.

Which motion was defeated.

On motion of Representative Seigfreid, **HCS SCS SBs 31 & 285, as amended**, was adopted.

On motion of Representative Seigfreid, **HCS SCS SBs 31 & 285, as amended**, was read the third time and passed by the following vote:

AYES: 116

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Berkowitz Berkstresser  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Cierpiot Clayton  
Crump Daniel Davis 122 Davis 63 Days  
Dougherty Elliott Enz Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Gambaro Gaskill George Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Hartzler 123 Hartzler 124 Hendrickson Hickey  
Hilgemann Hollingsworth Kasten Kelly 27 Kennedy  
King Koller Kreider Lakin Lawson  
Leake Legan Liese Long May 108  
Mays 50 McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Naeger Nordwald  
O'Connor O'Toole Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Ross Sallee Scheve Schwab  
Scott Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Townley  
Treadway Troupe Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 023

Barnett Bartle Black Blunt Boatright  
Champion Evans Froelker Hanaway Hegeman  
Holand Howerton Kelley 47 Levin Luetkemeyer  
Marble Myers Patek Robirds Schilling  
Shields Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 022

Bennett Chrismer Crawford Dolan Gibbons  
Gross Harlan Hohulin Hoppe Hosmer  
Kissell Klindt Linton Lograsso Loudon  
Luetkenhaus McBride Murphy Ostmann Secrest  
Surface Tudor

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 023

Backer Bonner Clayton Days Dougherty

Elliott Graham 24 Gratz Gunn Hampton

Kennedy McKenna McLuckie Miller Reid

Reynolds Riley Rizzo Seigfreid Shelton

Smith Thompson 72 Wiggins

NOES: 109

Akin Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Berkowitz Berkstresser

Black Blunt Boatright Boucher Boykins

Bray 84 Britt Campbell Carter Champion

Cierpiot Crump Daniel Davis 122 Davis 63

Enz Evans Farnen Fitzwater Foley

Ford Foster Fraser Froelker Gambaro

Gaskill George Graham 106 Griesheimer Hagan-Harrell

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Howerton Kasten Kelley 47 Kelly 27 King

Lakin Lawson Legan Levin Liese

Long Luetkemeyer Marble May 108 Mays 50

McClelland Merideth Monaco Murray Myers

Nordwald O'Connor O'Toole Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Robirds

Ross Sallee Scheve Schilling Schwab

Scott Selby Shields Skaggs Stokan

Summers Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wagner Ward Williams 121

Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 029

Abel Bennett Burton Chrismer Crawford

Dolan Franklin Gibbons Green Gross

Harlan Hoppe Hosmer Kissell Klindt  
Koller Kreider Leake Linton Lograsso  
Loudon Luetkenhaus McBride Murphy Naeger  
Ostmann Secrest Surface Tudor

VACANCIES: 002

On motion of Representative Thompson (72), title to the bill was agreed to.

Representative Williams (121) moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Crump, the House recessed until 2:15 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tiffany Renee Hartzler and Whitney Butler.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1245 - Representative Gaw  
House Resolution No. 1246 - Representative Murray  
House Resolution No. 1247 - Representative Crump  
House Resolution No. 1248 and House Resolution No. 1249 - Representative Franklin  
House Resolution No. 1250 - Representative Schilling  
House Resolution No. 1251 - Representative Seigfreid  
House Resolution No. 1252 - Representative Shields  
House Resolution No. 1253 and House Resolution No. 1254 - Representative Richardson  
House Resolution No. 1255 - Representative Rizzo  
House Resolution No. 1256 and House Resolution No. 1257 - Representative McClelland  
House Resolution No. 1258 through House Resolution No. 1263 - Representatives Williams (121) and Sallee  
House Resolution No. 1264 - Representative Bartelsmeyer  
House Resolution No. 1265 - Representative Troupe  
House Resolution No. 1266 - Representative Fitzwater  
House Resolution No. 1267 - Representative Hosmer

#### **BILL IN CONFERENCE**

**CCR SCS HCS HB 348**, relating to juvenile sex offenders, was taken up by Representative Smith.

On motion of Representative Smith, **CCR SCS HCS HB 348** was adopted by the following vote:



AYES: 101

Abel Akin Alter Auer Backer

Barry 100 Berkowitz Bonner Boucher Britt

Campbell Champion Cierpiot Clayton Crawford

Crump Daniel Davis 122 Dolan Dougherty

Enz Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

George Graham 106 Graham 24 Gratz Green

Hagan-Harrell Hampton Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Kelley 47 Kelly 27 Kennedy

Kissell Klindt Kreider Lakin Lawson

Leake Liese Long Luetkemeyer May 108

Mays 50 McBride McKenna McLuckie Merideth

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Ransdall Reinhart Relford Reynolds Rizzo

Ross Sallee Scheve Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Thompson 72 Treadway Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 052

Ballard Barnett Bartelsmeyer Bartle Bennett

Berkstresser Black Blunt Boatright Boykins

Burton Carter Chrismer Davis 63 Days

Elliott Evans Gaskill Gibbons Griesheimer

Gross Gunn Hanaway Hohulin Howerton

Kasten King Legan Levin Linton

Loudon Marble McClelland Miller Myers

Patek Pouche Pryor Purgason Reid

Ridgeway Riley Robirds Schilling Schwab

Scott Summers Surface Thompson 37 Townley

Troupe Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Harlan Koller Lograsso Luetkenhaus

Richardson Secrest Wiggins

VACANCIES: 002

On motion of Representative Smith, **CCS SCS HCS HB 348** was read the third time and passed by the following vote:

AYES: 139

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Britt Burton Campbell

Champion Chrismer Cierpiot Clayton Crawford

Crump Davis 122 Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 King Kissell Klindt

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Treadway Tudor

Van Zandt Vogel Wagner Ward Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 015

Bartelsmeyer Boykins Bray 84 Carter Daniel

Davis 63 Days Fraser Gunn Harlan

McClelland Riley Schilling Thompson 37 Troupe

PRESENT: 000

ABSENT WITH LEAVE: 007

Kennedy Koller Lograsso Luetkenhaus Richardson  
Secrest Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hilgemann, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILLS

**HCS SB 399**, relating to adjustment to school aid, was taken up by Representative Davis (122).

Representative Davis (122) offered **HS HCS SB 399**.

Representative Marble raised a point of order that the **House Substitute** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Scheve offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 399, Page 25, Section 163.011, Line 21, by inserting immediately after said line the following:

[163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the district's equalized operating levy for school purposes as defined in section 163.011 multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes



from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent times the guaranteed tax base per eligible pupil times the minimum value for an operating levy for school purposes as provided in section 163.011 times the proration factor; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) Beginning with the 1993-94 school year, the revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section; plus the product of the current assessed valuation of the district multiplied by the following tax rate - the greater of zero or the minimum rate required by subsection 2 of section 163.021 minus the district's equalized operating levy for school purposes for 1993, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to



fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1. Number of eligible pupils x (district's equalized operating levy for school purposes) x (proration x GTB per EP) \$.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year.....\$.....

3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes) .....\$.....

4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes)..... \$.....

5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....

6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% .....\$.....

7. Fifty percent or the percentage otherwise provided in section 163.087

of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087..... \$.....

8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo \$.....

9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo \$.....

10. Total deductions (sum of lines 2-9) ..... \$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x

proration ..... \$.....

12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration..... \$.....

13. Seventy-five percent of the gifted education approved or allowable

cost entitlement as determined pursuant to section 162.975, RSMo,

x proration ..... \$.....

14. Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20 x GTB per EP x the minimum value for an operating levy for school purposes as provided in section 163.011

x proration.....\$.....

15. Career ladder entitlement for the district as provided for in

sections 168.500 to 168.515, RSMo, x proration..... \$.....

16. Vocational education entitlements for the district as provided in

section 167.332, RSMo, x proration .....\$.....

17. Educational and screening program entitlements for the district as

provided in sections 178.691 to 178.699, RSMo, x proration ..... \$.....

18. Sum of categorical add-ons for the district

(sum of lines 11-17)..... \$.....

19. District apportionment (line 18 plus the greater of line 1 minus line

10 or zero) ..... \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.]

[163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: (the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980



tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

#### District Entitlement

1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$...... 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$......

#### Deductions

2. District equalized assessed valuation x district income

factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year..... \$......

3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes)..... \$......

4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes)..... \$......

5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....

6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% ..... \$.....

7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087 ..... \$.....

8. One hundred percent of the amount received the previous year  
for school purposes from the fair share fund pursuant to section 149.015,  
RSMo ..... \$.....

9. One hundred percent of the amount received the previous year for  
school purposes from the free textbook fund pursuant to section 148.360,  
RSMo ..... \$.....

10. Total deductions (sum of lines 2-9)..... \$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161  
x proration ..... \$.....

12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration  
..... \$.....

13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration ..... \$.....

14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration ..... \$.....

14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating  
purposes ..... \$.....

15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration  
..... \$.....

16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration  
..... \$.....

17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration ..... \$.....

18. Sum of categorical add-ons for the district  
(sum of lines 11-17) ..... \$.....

19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero)  
..... \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.]



163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater than one or the proration factor for line 1(a) minus five-hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five-hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is

less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

#### District Entitlement

1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP) ..... \$.....

1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x

(proration x GTB per EP) ..... \$.....

#### Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year..... \$.....

3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, amount received the previous year for school purposes ..... \$.....

4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes) ..... \$.....



5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes) ..... \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% ..... \$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087 ..... \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo ..... \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo ..... \$.....
10. Total deductions (sum of lines 2-9) ..... \$.....

**Categorical Add-ons**

11. The amount distributed pursuant to section 163.161 x proration ..... \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration ..... \$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration ..... \$.....
14. (a) Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration ..... \$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes ..... \$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration ..... \$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration .... \$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration ..... \$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17) ..... \$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) ..... \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.".; and

Further amend the title and enacting clause accordingly.

Representative Fitzwater raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Speaker Pro Tem Kreider resumed the Chair.

Speaker Gaw resumed the Chair.

Representative Fitzwater raised a point of order that **House Amendment No. 1** is not properly drafted.

The Chair ruled the point of order not well taken.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Scheve, **House Amendment No. 1** was adopted by the following vote:

AYES: 091

Abel Akin Alter Auer Barry 100

Bartle Bennett Berkstresser Black Boatright

Boucher Bray 84 Burton Champion Chrismer

Cierpiot Davis 63 Dolan Dougherty Elliott

Enz Evans Foster Fraser Gambaro

George Gibbons Gratz Griesheimer Gross

Hagan-Harrell Hanaway Hartzler 123 Hartzler 124 Hendrickson

Hilgemann Hollingsworth Hoppe Howerton Kasten

Kelley 47 Kennedy Kissell Lakin Leake

Levin Liese Linton Loudon Luetkemeyer

Luetkenhaus Marble May 108 McClelland McKenna

McLuckie Merideth Miller Murphy Myers

Naeger Nordwald O'Toole Ostmann Patek

Pouche Pryor Reid Reinhart Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schwab Selby Shelton

Stokan Surface Thompson 72 Townley Treadway

Tudor Vogel Wagner Ward Williams 159

Wright

NOES: 065

Backer Ballard Barnett Bartelsmeyer Berkowitz

Blunt Bonner Boykins Britt Campbell

Carter Clayton Crawford Crump Daniel

Davis 122 Days Farnen Fitzwater Foley

Ford Franklin Froelker Gaskill Graham 106

Graham 24 Green Gunn Hampton Harlan

Hegeman Hickey Holand Hosmer Kelly 27

King Klindt Kreider Lawson Legan

Long Mays 50 McBride Monaco Murray



O'Connor Overschmidt Parker Purgason Ransdall  
Relford Riley Schilling Seigfreid Shields  
Skaggs Smith Summers Thompson 37 Troupe  
Van Zandt Wiggins Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Hohulin Koller Lograsso Scott Secrest

VACANCIES: 002

**HCS SB 399, with HS, as amended, pending,** was placed on the Informal Calendar.

**SB 76**, relating to collection of delinquent taxes, was taken up by Representative Shelton.

Representative Hollingsworth offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND Senate Bill No. 76, Page 3, Section 141.830, Line 21, by inserting after all of said line the following:

**"Section 1. No person or entity seeking a state contract shall be eligible for any such contract if such person or entity is delinquent in state, federal or local taxes of any kind. This section shall not apply to persons or entities contesting any such delinquency, either in a court of law or through the administrative procedures of the governmental agency responsible for collecting such tax.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Hollingsworth, **House Amendment No. 1** was adopted.

Representative Van Zandt offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND Senate Bill No. 76, Page 3, Section 141.830, Line 21 by inserting after said line the following:

**"Section 1. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part**

**of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.**

**2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.**

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Van Zandt, **House Amendment No. 2** was adopted.

Representative Gambaro offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND Senate Bill No. 76, Page 2, Section 92.715, Line 10, by inserting after the number "**2000**" the phrase "**on owner-occupied residential property**"; and

Further amend said bill, Page 2, Section 140.100, Line 7, by inserting after the number "**2000**" the phrase "**on owner-occupied residential property**"; and

Further amend said bill, Page 2, Section 141.830, Line 11, by inserting after the number "**2000**" the phrase "**on owner-occupied residential property**".

On motion of Representative Gambaro, **House Amendment No. 3** was adopted.

Representative Reid offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND Senate Bill No. 76, Page 2, Section 140.100, Line 9, by adding after the words "**Federal Reserve System.**" the following:

**"The lower tax rate as stated in this subsection shall apply to all counties operating under Chapter 140."**

On motion of Representative Reid, **House Amendment No. 4** was adopted.

On motion of Representative Shelton, **SB 76, as amended**, was read the third time and passed by the following vote:

AYES: 109

Abel Akin Auer Backer Barnett

Barry 100 Bartle Bennett Berkowitz Black

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Chrismer Clayton

Crump Daniel Davis 122 Davis 63 Days

Dougherty Evans Farnen Fitzwater Foley

Ford Franklin Fraser Froelker Gambaro

George Graham 106 Graham 24 Gratz Green

Gross Gunn Hagan-Harrell Hampton Harlan

Hendrickson Hilgemann Hollingsworth Hoppe Hosmer  
Howerton Kelley 47 Kelly 27 Kennedy Kissell  
Kreider Lakin Lawson Leake Levin  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murphy Murray  
Myers O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Ransdall Reid Relford  
Reynolds Riley Rizzo Ross Sallee  
Scheve Schilling Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 044

Alter Ballard Bartelsmeyer Berkstresser Blunt  
Boatright Cierpiot Crawford Dolan Enz  
Foster Gaskill Gibbons Griesheimer Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hickey Holand  
Kasten King Klindt Legan Linton  
Lograsso Loudon Luetkemeyer Marble McClelland  
Miller Naeger Nordwald Patek Pryor  
Purgason Reinhart Richardson Ridgeway Robirds  
Schwab Summers Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton Elliott Hohulin Koller Liese  
Long Scott Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Riback Wilson moved that the vote by which the bill passed be reconsidered.

Representative Ladd Stokan moved that motion lay on the table.

The latter motion prevailed.



**HCS SB 196**, relating to Kansas City police retirement, was taken up by Representative Rizzo.

Representative May (108) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 196, Page 1, In the Title, Line 2, by deleting the following: "sections 86.450, 86.457" and inserting in lieu thereof the following: "section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "three" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "Sections 86.450, 86.457" and inserting in lieu thereof the following: "Section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "twelve new sections enacted in lieu thereof, to be known as sections 86.251, 86.253, 86.254, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810 and 105.691"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"86.251. 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members eligible for retirement may participate. The DROP shall be designed to allow members with at least twenty years of service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had retired shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's retirement. Cost-of-living increases, if any, for any period following the member's retirement shall be applied only to monthly service retirement payments made following retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or widow's or dependents' benefits.

4. The member's return of contributions to the retirement system shall continue to be paid to the member or the member's widow pursuant to sections 86.253 and 86.288, within sixty days after the member's date of retirement and not the date of the conclusion of the member's participation in the DROP, unless such dates are the same.

5. A member shall cease participation in the DROP upon the earlier of the termination of the member's employment as a police officer or at the end of the five-year period commencing on the first day of the participation in the DROP. The member shall, upon the member's termination of employment, elect to receive the amount in the member's DROP account, including any accrued interest, in one of the following forms of payment:

(a) A lump sum payment; or

(b) Equal monthly installments over a ten-year period. Any interest earned pursuant to this section during the installment period shall be paid as soon as reasonably possible after the final monthly installment. Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

6. A member who has elected to participate in the DROP may not reenter the system in any fashion. At the conclusion of the member's participation in the DROP by reason of the expiration of the five-year period, if the member does not terminate the member's employment as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.363, the member shall continue not to have any percentage of the member's salary deducted for a contribution nor shall any of the member's employment period count as creditable service.

7. If a member dies prior to termination of employment while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the funds in the member's DROP account, including any accumulated interest, shall be payable to the member's widow; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, the member's estate. Payment shall be made within sixty days after the retirement system is notified of the member's death.



8. If a member has elected to participate in the DROP and during such participation period applies for and receives benefits for an accidental disability retirement allowance [under] **pursuant to** the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any funds in a DROP account which have been forfeited as provided in this subsection shall become funds of the system.

9. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the first day of each year, beginning with the second fiscal year of participation, the member's DROP account balance, determined as of the first day of such year, shall be credited with interest at the investment rate earned by the fund for the prior year. If distribution of the member's DROP account balance is completed during the year, interest shall be credited, based on the beginning balance for the year, in proportion to the part of the year preceding the date of final distribution. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

10. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or funds of the DROP.

11. The DROP established by this section is subject to approval by the Internal Revenue Service. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any DROP provision if there is any inconsistency with the Internal Revenue Code or regulation.

**12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's widow or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's widow shall continue until the widow's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date payment begins. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date payment begins.**

86.253. 1. Upon retirement for service, a member shall receive a service retirement allowance which shall be equal to a fraction of the member's average final compensation multiplied by the number of years of the member's creditable service, which fraction for the year of retirement is one-fiftieth plus an amount equal to four percent of the average final compensation for each additional year of service after twenty-five years; **plus an additional five percent for service after thirty years;** but no service retirement allowance shall exceed an amount equal to [seventy] **seventy-five** percent of the average final compensation or the amount already accrued by the member as of August 1, 1979, whichever is greater.

2. If, at any time since first becoming a member of the retirement system, the member has served in the armed forces of the United States, in any war or period of armed hostilities between the armed forces of the United States and those of a foreign power, and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the armed forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence.

3. The service retirement allowance of each present and future retired member who retired from service after attaining age fifty-five or after completing twenty years of service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or widow of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit. Any annuity or retirement allowance paid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.

4. In addition to any other annuity or retirement allowance payable under this section and section 86.250, a member, upon retirement, shall be repaid the total amount of the member's contribution to the retirement system, without interest. The board shall pay the retired member such total amount of the member's contribution to the retirement system within sixty days after such retired member's date of retirement. Any annuity or retirement allowance repaid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services he or she shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, shall, unless the provisions of subsection 6 of this section apply, total [five] **six** hundred fifty dollars a month[, effective August 28, 1993]; except that a surviving spouse of a deceased member who is employed as a special consultant shall, unless the provisions of subsection 6 of this section apply, receive compensation for the person's services as a special consultant of not less than [five] **six** hundred fifty dollars a month[, effective August 28, 1993]. This compensation shall be paid by the retirement system from funds of the retirement system, and this employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

6. The compensation granted retirees and surviving spouses of deceased members under subsection 5 of this section shall be decreased by one hundred fifty dollars per month upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay such additional one hundred fifty dollars per month even though such additional compensation is formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363.

86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to 86.363, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of [his] **the retired member's** life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

**3. Beginning October 1, 1999, in addition to any other benefit provided to any widow pursuant to sections 86.200 to 86.363, each present and future widow of a member after attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the widow's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.**

**4. For the performance of duties required in subsection 3 of this section, each widow of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the widow is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.**

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.363, exceed the [lesser of:

(1) The] amount specified in section 415(b) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment[; or

(2) One hundred percent of the average taxable compensation of the member for the member's high three consecutive calendar years as provided in section 415(b) of the Internal Revenue Code, including any cost-of-living increases after the member's termination of employment].

2. In no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.363, on behalf of the member, including the member's own contributions, exceed the lesser of:

(1) Twenty-five percent of the member's compensation, as defined for purposes of section 415(c) of the Internal Revenue Code; or

(2) Thirty thousand dollars, as adjusted for increases in the cost of living.

**3. Effective for limitation years beginning prior to January 1, 2000,** in no event shall the combined plan limitation of section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.363, shall be reduced to the extent necessary to satisfy such limitations.

4. For purposes of this section, section 415 of the Internal Revenue Code, including the special rules under section 415(b) applicable to governmental plans and qualified participants in police and fire department plans, is incorporated in this section by reference.

86.260. 1. Upon retirement for ordinary disability a member shall receive a service retirement allowance if the member has attained the age of fifty-five or completed twenty years of service; otherwise the member shall receive an ordinary disability retirement allowance which shall be equal to ninety percent of the member's accrued service retirement in section 86.253, but not less than one-fourth of the member's average final compensation; provided, however, that no such allowance shall exceed ninety percent of the member's accrued service retirement benefit based on continuation of the member's service to the age



set out in section 86.250.

2. **Effective October 1, 1999**, the ordinary disability retirement allowance will be increased by [ten] **fifteen** percent of the member's average final compensation for each unmarried dependent child of the disabled member who is under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children; provided, however, that the combined benefit shall not exceed [fifty-five] **seventy** percent of such average final compensation.

3. **Any member receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the member is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children.**

4. Any benefit payable to or for the benefit of a child or children under the age of eighteen years [under] **pursuant to** the provisions of [subsection 2] **subsections 2 and 3** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.280. Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are payable, there shall be paid the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [twenty-five] **forty** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children;

(2) **Any widow or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the widow shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's final average compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a widow pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of section 86.283, to the benefit the widow was receiving prior to October 1, 1999;**

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefit shall be paid for one child;

[(3)] (4) If there is no widow or dependent children, the return of accumulated contributions to the designated beneficiary;

[(4)] (5) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

[(5)] (6) Wherever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

[(6)] (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.283. Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable, there shall be paid the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [twenty-five] **forty** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children; [provided, however, that a widow of a member who retired prior to October 13, 1967, fixing the twenty-five percent benefit shall receive a fifteen percent benefit in lieu thereof;]

(2) **Any widow or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a widow shall receive additional monthly compensation equal to the amount which when added to the benefits the widow was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the widow's total monthly payment pursuant to this section to forty percent of the deceased member's final average compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a widow pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the widow was receiving prior to October 1, 1999;**

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow, **determined without regard to any increase which would have applied to the widow's benefits pursuant to subdivision (8) of this section**, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefits shall be paid for one child;

[(3) In the event of a member's retirement from service prior to age fifty-five or prior to completion of twenty years of service, the only benefit in addition to the member's service allowance shall be a pension to the member's widow of thirty percent of such deceased retired member's retirement benefit which the member was receiving or which the member would have received on attaining age fifty-five and which such widow shall receive until such person's death or remarriage;]

(4) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's widow during the person's widowhood shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable [under] **pursuant to** this section to the widow of a retired member who received or was entitled to receive a service retirement allowance **or the widow of a member who died in service after attaining the age of fifty-five or completing twenty years of service** shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.

86.287. Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of all other benefits the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [fifty] **seventy-five** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) **Any widow or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or**



unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a widow shall receive additional monthly compensation equal to the amount which when added to the benefits the widow was receiving pursuant to this section prior to October 1, 1999, will increase the widow's total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children;

(3) If no widow benefits are payable [under subdivision (1)] pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid [under subdivision (1)] pursuant to subdivisions (1) and (2) of this section had there been a widow, shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefit shall be paid for one child;

[(3)] (4) If there is no widow or unmarried dependent children of either class mentioned in subdivision [(2)] (3) of this section, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

[(4)] (5) No benefits [under] pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

[(5)] (6) Wherever any dependent child designated by the board of trustees to receive benefits [under] pursuant to this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

[(6)] (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] pursuant to subdivisions (1) [and (2)] to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university."; and

Further amend said bill, Page 3, Section 86.457, Line 30, by inserting after all of said line the following:

"86.810. The provisions of any other law notwithstanding, the board of trustees of any retirement system, the provisions of which are governed by this chapter, or any political subdivision which funds such retirement system, shall have standing to seek a declaratory judgment concerning the application of article X, section 21 of the Missouri Constitution to the provisions of this [act] chapter. In the event a final judgment is rendered by a court which judgment determines that any provision of this [act] chapter constitutes a new activity or service or increase in the level of an activity or service beyond that required by existing law under article X, section 21 of the Missouri Constitution, or any successor to that section, that provision of this [act] chapter shall be void ab initio and any new benefit or feature required by such provision of this [act] chapter shall be deemed not to have accrued and shall not be payable to members."

On motion of Representative May (108), **House Amendment No. 1** was adopted.

On motion of Representative Rizzo, **HCS SB 196, as amended**, was adopted.

On motion of Representative Rizzo, **HCS SB 196, as amended**, was read the third time and passed by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Campbell Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Howerton  
Kasten Kelley 47 Kelly 27 King Kissell  
Klindt Kreider Lakin Lawson Leake  
Legan Levin Linton Lograsso Loudon  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Murphy Murray Myers Naeger Nordwald  
O'Connor Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 001

Riley

ABSENT WITH LEAVE: 018

Bray 84 Burton Carter Elliott Froelker  
Gunn Harlan Hohulin Hosmer Kennedy  
Koller Liese Long Marble Monaco  
O'Toole Scott Secrest

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**HCS SS SCS SB 338**, relating to mental health insurance, was taken up by Representative Harlan.

Representative Harlan offered **HS HCS SS SCS SB 338**.

Representative Harlan offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 1, Section A, Lines 14-15, by deleting the following: "and section 376.811, RSMo Supp. 1998,"; and

Further amend said bill, page 38, section 376.771, line 21, by deleting the words: "such a policy" and inserting in lieu thereof the following: "**the policy forms for individual health insurance coverage with the largest, and next largest, premium volume of all such policy forms offered by the insurer in this state**"; and

Further amend said bill, page 96, section 376.772, lines 9-10, by deleting all of said lines and inserting in lieu thereof the following: "**376.771, if any, in accordance with provisions of this section. If the association fails to submit a**"; and

Further amend said bill, page 110, section 376.775, line 22, by deleting all of said line and inserting in lieu the following:

"**b. An individual accident and sickness insurance policy that provides comprehensive medical expense coverage;**"

On motion of Representative Harlan, **House Amendment No. 1** was adopted.

Speaker Gaw resumed the Chair.

Representative Carter offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 1, In the Title, Lines 4 and 5 of said page, by deleting the word and numbers ", 379.952 and 630.003" and inserting in lieu thereof the word and number "and 379.952"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "twenty-five" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Lines 13 and 14 of said page, by deleting the word and numbers "379.943, 379.952 and 630.003" and inserting in lieu thereof the word and numbers "379.943 and 379.952"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "twenty" and inserting in lieu thereof the word "nineteen"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by deleting the number "630.003,"; and

Further amend said bill, Page 79, Section 630.003, Lines 15 to 24 of said page, by deleting all of said lines.

On motion of Representative Carter, **House Amendment No. 2** was adopted.

Representative Reid offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 87, Section 2, Line 12, by inserting immediately after said line the following:

"Section 3. 1. For all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal taxable income and to the extent such amount is not otherwise deductible from the individual's Missouri taxable income pursuant to Missouri law.

2. The deduction provided in this section shall be available to an individual whether such individual elects to itemize his or her deductions or elects to deduct the Missouri standard deduction. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of health insurance premiums.

3. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Reid, **House Amendment No. 3** was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Kreider Lakin Lawson Legan

Levin Liese Linton Lograsso Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna Merideth Miller

Monaco Murphy Murray Myers Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72



Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 004

Boucher Bray 84 Hagan-Harrell McLuckie

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel George Koller Leake Long

Nordwald Scott Secrest

VACANCIES: 002

Representative Carter offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Pages 80-83, Section 630.003, Line 1, by deleting all of said pages from said bill; and

Further amend page 84, lines 1-6, by deleting all of said lines from bill.

On motion of Representative Carter, **House Amendment No. 4** was adopted.

On motion of Representative Harlan, **HS HCS SS SCS SB 338, as amended**, was adopted.

On motion of Representative Harlan, **HS HCS SS SCS SB 338, as amended**, was read the third time and passed by the following vote:

AYES: 137

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crump Daniel Davis 122 Davis 63 Days

Dolan Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Kreider Lakin  
Lawson Leake Levin Liese Linton  
Lograsso Loudon Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Ransdall Reid  
Reinhart Relford Reynolds Ridgeway Riley  
Rizzo Ross Sallee Scheve Schilling  
Seigfreid Selby Shelton Shields Skaggs  
Smith Summers Surface Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 009

Boatright Crawford Klindt Legan Patek  
Purgason Richardson Robirds Townley

PRESENT: 002

Auer Gunn

ABSENT WITH LEAVE: 013

Blunt Dougherty Gaskill Koller Long  
Luetkenhaus Monaco Nordwald Schwab Scott  
Secrest Stokan Wright

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

#### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

## REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**HCS SS SCS SB 335** - Fiscal Review (Fiscal Note)

**HCS SB 518** - Fiscal Review (Fiscal Note)

**HCS SS SCS SBs 1, 92, 111, 129 & 222** - Fiscal Review (Fiscal Note)

**HCS SCS SBs 387, 206 & 131** - Fiscal Review (Fiscal Note)

## COMMITTEE REPORTS

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SS SCS SB 94**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SCS SB 233**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SS HCR 11**.

Senate Substitute

for

House Concurrent Resolution No. 11

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven

members of the House of Representatives, to be appointed by the Speaker of the House, and seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet Services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCR 28**.

Senate Committee Substitute

for

House Concurrent Resolution No. 28

WHEREAS, the safe generation, transfer, storage and disposal of hazardous waste is vital to the well-being of the state of Missouri; and

WHEREAS, emergency response to hazardous substance spills and releases, maintenance of contaminated real estate through the hazardous waste registry system, and participation in state and federal cleanups of sites contaminated by hazardous wastes is necessary to protect the health of Missouri's citizens and environment; and

WHEREAS, the Hazardous Waste Fund and the Hazardous Waste Remedial Fund are the primary means of funding the above mentioned activities, and with the balances of these funds falling and in danger of potentially not being able to adequately support necessary services in the future; and

WHEREAS, the hazardous waste generation, transfer, storage and disposal industries which contribute to the Hazardous Waste Fund and Hazardous Waste Remedial Fund enhance the economic well-being of the state of Missouri; and

WHEREAS, the fees imposed on the hazardous waste generation, transfer, storage and disposal industries should be fair and equitable; and



WHEREAS, the Department of Natural Resources and the industry have been unable to reach an agreement as to how to adequately fund the Hazardous Waste Fund and Hazardous Waste Remediation Fund; and

WHEREAS, an in-depth study needs to be conducted to determine what measures need to be taken to ensure that the Hazardous Waste Fund and Hazardous Waste Remedial Fund are sufficient to meet the obligations and provide the required services to the public, environment and the hazardous waste generation, transfer, storage and disposal industries:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that the committee conduct an in-depth study and make appropriate recommendations concerning appropriate funding of the Hazardous Waste Fund and the Hazardous Waste Remedial Fund, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the First Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research, and House Research provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Concurrent Resolution No. 28, as it appears in the Journal of the Senate, Thursday, April 22, 1999, Page 864, in the right hand column of said page, in the ninth paragraph of said resolution, by striking the words "and any other issues the committee deems relevant" in said line.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 300**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 326**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 415**, entitled:

An act relating to employment and educational opportunities for selective service registrants.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 415, Page 1, Section 2, Line 3, by inserting after the word "not" the words "**without proof of such registration**"; and

Further amend said bill, page 1, Section 2, Lines 4-5, by striking the words "without proof of such registration"; and

Further amend said bill, Page 1, Section 3, Line 2-3, by striking the words "rules and regulations" and inserting in lieu thereof the word "**procedures**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 866**, entitled:

An act to repeal sections 339.710, 339.720, 339.755, 339.780, 339.820 and 339.830, RSMo Supp. 1998, relating to transaction brokers, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in **HCS** for **SCR 2** and has taken up and adopted **HCS SCR 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 548**, entitled:

An act to repeal sections 135.550, 135.600 and 144.014, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate Conferees on **SCS HB 789** are allowed to exceed the difference on technical language.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HPA 1** to **SCS HB 792** and has taken up and passed **SCS HB 792, as amended**.

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 2**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 2.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Scott Lakin /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Jewell Patek /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 3**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 3.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Scott Lakin /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Gary Burton /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 4**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 4.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Timothy Green /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Chuck Gross /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 5**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 5.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode  
/s/ Sam Leake /s/ Harry Wiggins  
/s/ Timothy Green /s/ Joe Maxwell  
/s/ Ken Legan /s/ John Russell  
/s/ Charlie Shields /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 6**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 6.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode  
/s/ May Scheve /s/ Harry Wiggins  
/s/ Marilyn Williams /s/ Joe Maxwell  
/s/ Ken Legan /s/ John Russell  
/s/ James Graham /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 7**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 7.



2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.

3. That the attached Conference Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ May Scheve /s/ Harry Wiggins

/s/ Marilyn Williams /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Emmy McClelland /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 8**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 8.

2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.

3. That the attached Conference Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Sam Leake /s/ Harry Wiggins

/s/ Scott Lakin /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Larry Crawford /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 9**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 9.

2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No.

9.

3. That the attached Conference Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Charles Quincy Troupe /s/ Harry Wiggins

/s/ Glenda Kelly /s/ Joe Maxwell

/s/ Pat Kelley /s/ John Russell

/s/ Ken Legan /s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 789**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 789, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Bill No. 789;
2. That the House recede from its position on Senate Committee Substitute for House Bill No. 789;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Gracia Backer /s/ Jim Mathewson

/s/ Judy Berkstresser /s/ Steve Stoll

/s/ Linda Bartelsmeyer /s/ J. T. Howard

/s/ Marilyn Williams /s/ Doyle Childers

/s/ Rita D. Days /s/ Franc Flotron

On motion of Representative Crump, the House recessed until 9:30 p.m.

The hour of recess having expired, the House was called to order by Representative Crump.

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE BILL NO. 10**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 10.

2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.

3. That the attached Conference Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Paula Carter /s/ Harry Wiggins

/s/ Mike Schilling /s/ Joe Maxwell

/s/ Charlie Shields /s/ John Russell

/s/ Jewell Patek /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

#### **HOUSE BILL NO. 11**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 11.

2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.

3. That the attached Conference Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Charles Quincy Troupe /s/ Harry Wiggins

/s/ Glenda Kelly /s/ Joe Maxwell

/s/ Pat Kelley /s/ John Russell

/s/ Ken Legan /s/ Morris Westfall

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, May 5, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-second Day, Monday, May 3, 1999, pages 1643 and 1644, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 1645 and 1646, roll call, by showing Representative Ward voting "aye" rather than "absent with leave".

Pages 1646 and 1647, roll call, by showing Representatives Bartelsmeyer, Berkstresser and Ward voting "aye" rather than "absent with leave".

Pages 1647 and 1648, roll call, by showing Representatives Champion and Ward voting "aye" rather than "absent with leave".

Pages 1648 and 1649, roll call, by showing Representatives Patek and Ward voting "aye" rather than "absent with leave".

Pages 1649 and 1650, roll call, by showing Representatives George and Ward voting "aye" rather than "absent with leave".

Pages 1656 and 1657, roll call, by showing Representatives Bartelsmeyer, Crawford, Franklin and Ward voting "aye" rather than "absent with leave".

Page 1659, roll call, by showing Representatives Luetkenhaus, Ridgeway and Ward voting "aye" rather than "absent with leave".

Pages 1660 and 1661, roll call, by showing Representatives Ridgeway and Ward voting "aye" rather than "absent with leave".

Pages 1662 and 1663, roll call, by showing Representatives Franklin, Luetkenhaus, Patek and Ward voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **FISCAL REVIEW**

Wednesday, May 5, 1999, 9:00 am. North side of gallery. Executive session.

To be considered - SB 335

### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Wednesday, May 5, 1999, 1:30 pm. Hearing Room 7.

### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, May 5, 1999, 9:00 am. Hearing Room 9. Executive session may follow.

To be considered - SB 525

### **PUBLIC HEALTH**

Thursday, May 6, 1999, 9:00 am. Hearing Room 7.

To be considered - HB 1061, SB 377

## **HOUSE CALENDAR**

SIXTY-FOURTH DAY, WEDNESDAY, MAY 5, 1999

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray



2 HCS HB 934 - Treadway  
3 HCS HB 456 - Fitzwater  
4 HB 856 - Ford  
5 HCS HB 640 - Campbell  
6 HCS HB 354 - Barry  
7 HCS HB 709 - Leake  
8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCS SCS SCR 15, (4-29-99, pg. 1633) - McBride

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 295 & 46, E.C., - May (108)
- 2 HCS SCS SB 308 & 314 - Skaggs
- 3 HCS SCS SB 346 - Days
- 4 SB 32 - Luetkenhaus
- 5 SB 326 - Harlan
- 6 HCS SB 20 - Schilling
- 7 HCS SS SCS SB 14, 60 & 69 - Bray
- 8 SB 495 - Mays (50)
- 9 HCS SCS SB 61 - Hoppe
- 10 HCS SS SCS SB 335, (Fiscal Review 5-4-99) - Parker
- 11 HCS SS SCS SB 160 & 82, E.C., (Fiscal Review 5-3-99) - Hoppe
- 12 HCS SS SB 373 - Crump
- 13 SCS SB 498 - O'Connor
- 14 HCS SCS SB 386, E.C. - Liese
- 15 HCS SB 518, (Fiscal Review 5-4-99) - Rizzo
- 16 HCS SS SCS SB 1, 92, 111, 129 & 222, (Fiscal Review 5-4-99) - May (108)
- 17 HCS SCS SB 387, 206 & 131, (Fiscal Review 5-4-99) - Gunn

**SENATE BILLS FOR THIRD READING - INFORMAL**

- 1 HCS SS#2 SB 163 - Kelly (27)
- 2 SB 4 - Thompson (37)
- 3 HCS SB 399, HS, as amended, pending, E.C. - Davis (122)

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HB 261, SA 1 - Auer
- 2 SCS HCR 28, as amended - Ransdall
- 3 SCS HCS HCR 19 - Williams (121)
- 4 SCS HCS HCR 3 - Farnen
- 5 SS HCR 11 - Mays (50)
- 6 SCS HB 866 - Treadway
- 7 SCS HB 548 - Kennedy
- 8 HB 415, SCA 1 - Vogel

**BILL CARRYING REQUEST MESSAGES**

- HS HCS SB 291, as amended, E.C. (Senate grant further conference) - Dougherty

**BILLS IN CONFERENCE**

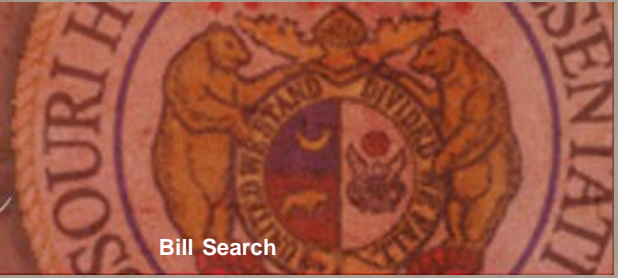
- 1 CCR SCS HCS HB 2 - Lakin
- 2 CCR SCS HCS HB 3 - Lakin
- 3 CCR SCS HCS HB 4, as amended, - Green
- 4 CCR SCS HCS HB 5, as amended, - Green
- 5 CCR SCS HCS HB 6, as amended, - Franklin
- 6 CCR SCS HCS HB 7 - Franklin
- 7 CCR SCS HCS HB 8 - Lakin
- 8 CCR SCS HCS HB 9 - Franklin
- 9 CCR SCS HCS HB 10, as amended, - Carter
- 10 CCR SCS HCS HB 11, as amended, - Troupe
- 11 SCS HCS HB 12 - Green
- 12 CCR SCS HB 789 - Berkstresser
- 13 HS HCS SCS SB 436, as amended - Hoppe
- 14 HCS SB 219, as amended - Bray



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

SIXTY-FOURTH DAY, Wednesday, May 5, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, You have made heaven and earth, and all that is good and splendid. And into each life You give a measure of faith and joy.

As the members of this House, and the staff of this House, work to bring finality to this session, bless them with the knowledge that they have the faith, joy, the stamina and patience to conclude their work.

Grant that their work in this chamber may not only conclude, but conclude well. Bless all who labor here with a light touch, humor in their hearts, and faith in Your care. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Daniel Bley, Susanne Green, Alex Gordon, Sammy Jo Leedre, Sadie Weiss, John Gogarty, Alex Stojeba, Andrew Welker, Temeka Abraham, Jerry Morgan, Marquita Hill, Jeremy Green, Tony Sieve, Elisha Leong, Katie Miller, David Trigg, Katie Sybert, Hilari Gray, Brittanie Waegle, Kelsey Klostermeyer, Kristin Langemach, Will Daniels, Jessica Lankford, Colton Schwab, Easton Schwab, Zachary Schwab, Braydon Schwab, Aaron Turner, Hannah Plowman and Josie Plowman.

The Journal of the sixty-third day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1268 - Representative Relford

House Resolution No. 1269 - Representative Kreider

House Resolution No. 1270 - Representative Thompson (72)

House Resolution No. 1271 - Representative Ford

House Resolution No. 1272 and House Resolution No. 1273 - Representative Fitzwater

House Resolution No. 1274 - Representative Berkowitz

House Resolution No. 1275 - Representative Skaggs

House Resolution No. 1276 and House Resolution No. 1277 - Representative Townley



House Resolution No. 1278 - Representatives Hendrickson, Barry, Enz and Treadway

House Resolution No. 1279 - Representative Fraser

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HCS HBs 643, 710 & 711**, relating to corporate franchise tax, was taken up and placed back on the Informal Calendar.

Representative Smith assumed the Chair.

#### **BILLS IN CONFERENCE**

**CCR SCS HCS HB 2**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **CCR SCS HCS HB 2** was adopted by the following vote:

AYES: 088

Abel Auer Backer Barry 100 Bennett

Berkowitz Bonner Boucher Boykins Bray 84

Britt Campbell Carter Clayton Crump

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Liese Luetkenhaus

May 108 Mays 50 McBride McKenna McLuckie

Merideth Murray Nordwald O'Connor O'Toole

Overschmidt Parker Ransdall Relford Reynolds

Riley Rizzo Scheve Schilling Scott

Seigfreid Selby Shelton Skaggs Smith

Stokan Summers Thompson 72 Treadway Troupe

Van Zandt Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 070

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Black Blunt Boatright

Burton Champion Chrismer Cierpiot Crawford

Dolan Elliott Enz Evans Foster

Froelker Gaskill Gibbons Graham 106 Griesheimer

Gross Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kelley 47 King Klindt Levin Linton  
Lograsso Long Loudon Luetkemeyer Marble  
McClelland Miller Monaco Murphy Myers  
Naeger Ostmann Pouche Pryor Purgason  
Reid Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schwab Secrest Shields  
Surface Townley Tudor Vogel Wright

PRESENT: 001

Patek

ABSENT WITH LEAVE: 002

Daniel Thompson 37

VACANCIES: 002

On motion of Representative Lakin, **CCS SCS HCS HB 2** was read the third time and passed by the following vote:

AYES: 144

Abel Alter Auer Backer Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Lograsso Long Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 013

Akin Ballard Blunt Boatright Chrismer  
Evans Hanaway Linton Loudon Murphy  
Patek Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Daniel Hohulin Luetkenhaus Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Bray, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 3**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **CCR SCS HCS HB 3** was adopted by the following vote:

AYES: 143

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crump Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Farnen  
Fitzwater Foley Ford Foster Franklin  
Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Long  
Luetkemeyer Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 012

Akin Blunt Evans Froelker Hanaway  
Hohulin Kennedy Linton Loudon Murphy  
Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Crawford Daniel Fraser Lograsso Luetkenhaus  
Thompson 37

VACANCIES: 002

On motion of Representative Lakin, **CCS SCS HCS HB 3** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer



Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Luetkemeyer  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 010

Blunt Evans Hanaway Hohulin Kennedy  
Linton Loudon Murphy Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Daniel King Luetkenhaus Robirds Thompson 37

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Ladd Stokan moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**CCR SCS HCS HB 4, as amended**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **CCR SCS HCS HB 4, as amended**, was adopted by the following vote:

AYES: 137

Abel Alter Auer Backer Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Bonner Boucher Boykins Bray 84

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Liese

Linton Long Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 015

Akin Ballard Bartelsmeyer Blunt Boatright  
Evans Froelker Hanaway Hohulin Loudon  
Luetkemeyer Nordwald Patek Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Britt Daniel Dougherty King Levin  
Lograsso Robirds Shields Thompson 37

VACANCIES: 002

On motion of Representative Green, **CCS SCS HCS HB 4** was read the third time and passed by the following vote:

AYES: 144

Abel Alter Auer Ballard Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Elliott  
Enz Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 011

Akin Bartelsmeyer Blunt Evans Hanaway  
Hohulin Loudon Nordwald Patek Pryor  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Black Daniel Dougherty King  
Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 5, as amended**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **CCR SCS HCS HB 5, as amended**, was adopted by the following vote:

AYES: 132

Abel Alter Auer Backer Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Black Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Dougherty  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hartzler 124 Hegeman  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kelly 27 Kennedy



Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Miller Monaco Murphy Murray Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Stokan Summers Thompson 72  
Townley Treadway Troupe Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 025

Akin Ballard Bartelsmeyer Blunt Boatright  
Elliott Enz Evans Hanaway Hendrickson  
Hohulin Howerton Lograsso Loudon Luetkemeyer  
Merideth Myers Nordwald Patek Pryor  
Purgason Smith Surface Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Daniel King Ridgeway Thompson 37

VACANCIES: 002

On motion of Representative Green, **CCS SCS HCS HB 5** was read the third time and passed by the following vote:

AYES: 122

Abel Alter Auer Backer Barnett  
Barry 100 Bartle Bennett Berkowitz Berkstresser  
Black Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Froelker Gambaro George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 124

Hegeman Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Long Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Miller Monaco  
Murphy Murray O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Ransdall Reid  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Stokan Thompson 72  
Townley Treadway Troupe Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 033

Akin Ballard Bartelsmeyer Blunt Boatright  
Cierpiot Elliott Enz Evans Foster  
Gaskill Hanaway Hendrickson Hohulin Howerton  
Linton Lograsso Loudon Luetkemeyer Merideth  
Myers Naeger Nordwald Patek Pryor  
Purgason Ridgeway Robirds Smith Summers  
Surface Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel Hartzler 123 Holand King Luetkenhaus  
Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Auer moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 6, as amended**, relating to appropriations, was taken up by Representative Scheve.

On motion of Representative Scheve, **CCR SCS HCS HB 6, as amended**, was adopted by the following vote:

AYES: 142

Abel Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser

Black Boatright Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkemeyer Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shelton Shields Skaggs

Smith Stokan Summers Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 013

Bartle Blunt Evans Froelker Griesheimer

Hanaway Hohulin Loudon Nordwald Pryor

Selby Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Akin Backer Daniel King Luetkenhaus  
Thompson 37

VACANCIES: 002

On motion of Representative Scheve, **CCS SCS HCS HB 6** was read the third time and passed by the following vote:

AYES: 144

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Luetkemeyer Luetkenhaus  
Marble May 108 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 014



Akin Bartle Blunt Evans Froelker

Griesheimer Hanaway Hohulin Loudon Nordwald

Pryor Selby Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Daniel Mays 50 Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 7**, relating to appropriations, was taken up by Representative Scheve.

On motion of Representative Scheve, **CCR SCS HCS HB 7** was adopted by the following vote:

AYES: 129

Abel Auer Backer Barnett Barry 100

Bartelsmeyer Bennett Berkowitz Berkstresser Black

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Graham 106 Graham 24 Gratz Green Griesheimer

Gunn Hagan-Harrell Hampton Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Long May 108

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 027

Akin Alter Ballard Bartle Blunt  
Boatright Elliott Froelker Gibbons Gross  
Hanaway Hohulin Kasten King Linton  
Lograsso Loudon Luetkemeyer Marble Murphy  
Myers Nordwald Patek Pryor Selby  
Surface Wright

PRESENT: 001

Evans

ABSENT WITH LEAVE: 004

Daniel Luetkenhaus Mays 50 Thompson 37

VACANCIES: 002

On motion of Representative Scheve, **CCS SCS HCS HB 7** was read the third time and passed by the following vote:

AYES: 132

Abel Auer Backer Barnett Barry 100  
Bartelsmeyer Bennett Berkowitz Berkstresser Black  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Enz  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Gambaro Gaskill George  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Lograsso Long May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Seigfreid Shelton Shields Skaggs  
Smith Stokan Summers Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 024

Akin Alter Ballard Bartle Blunt  
Boatright Elliott Froelker Gibbons Hanaway  
Hohulin King Linton Loudon Luetkemeyer  
Marble Murphy Myers Nordwald Patek  
Secrest Selby Surface Wright

PRESENT: 001

Evans

ABSENT WITH LEAVE: 004

Daniel Luetkenhaus Pryor Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Seigfreid, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Berkowitz moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 8**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **CCR SCS HCS HB 8** was adopted by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Liese Linton Long

Loudon Luetkemeyer Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Skaggs

Smith Stokan Summers Surface Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 006

Ballard Blunt Froelker Hanaway Nordwald

Wright

PRESENT: 001



Patek

ABSENT WITH LEAVE: 006

Daniel Lawson Lograsso Luetkenhaus Shields  
Thompson 37

VACANCIES: 002

On motion of Representative Lakin, **CCS SCS HCS HB 8** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Boatright Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Leake Legan

Levin Liese Linton Loudon Luetkemeyer

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 005

Ballard Blunt Hanaway Nordwald Wright

PRESENT: 001

Patek

ABSENT WITH LEAVE: 008

Berkstresser Bonner Daniel Lawson Lograsso

Long Luetkenhaus Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Shelton, title to the bill was agreed to.

Representative Troupe moved that the vote by which the bill passed be reconsidered.

Representative Ward moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 9**, relating to appropriations, was taken up by Representative Troupe.

On motion of Representative Troupe, **CCR SCS HCS HB 9** was adopted by the following vote:

AYES: 141

Abel Alter Auer Backer Barnett

Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser

Black Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Liese Linton Luetkemeyer

Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 013

Akin Ballard Bartle Blunt Boatright  
Froelker Hanaway Hohulin Loudon Nordwald  
Patek Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniel Dougherty Lawson Lograsso Long  
Luetkenhaus Thompson 37

VACANCIES: 002

On motion of Representative Troupe, **CCS SCS HCS HB 9** was read the third time and passed by the following vote:

AYES: 146

Abel Alter Auer Backer Barnett  
Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser  
Black Boatright Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Davis 122 Davis 63 Days Dolan  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 009

Akin Ballard Bartle Blunt Hanaway  
Hohulin Loudon Nordwald Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel Dougherty Long Luetkenhaus Pryor  
Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative George moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 10, as amended**, relating to appropriations, was taken up by Representative Carter.

Representative Carter offered **House Perfecting Amendment No. 1**.



*House Perfecting Amendment No. 1*

AMEND Conference Committee Substitute for House Bill No. 10, Page 39, Section 10.705, Line 3 of said page, by inserting after the word "infertility" a comma ","; and

Further amend said section, Page 41, Line 11 of said page, by striking out the comma "," and inserting in lieu thereof a semicolon ";"; and

Further amend said section, Page 42, Line 2 of said page, by striking out the word "infertility" and inserting in lieu thereof the word "infertility".

On motion of Representative Carter, **House Perfecting Amendment No. 1** was adopted.

Representative Carter moved that **CCR SCS HCS HB 10, as amended**, be adopted.

Which motion was withdrawn.

Representative Shields moved that the House conferees be allowed to exceed the differences on **SCS HCS HB 10, as amended**.

Which motion was adopted.

**CCR SCS HCS HB 10, as amended**, was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#3 SCS HS HCS HBs 427, 40, 196 & 404**, entitled:

An act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 15**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1999 and ending June 30, 2001.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 15, Page 22, Section 15.156, Line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 22, section 15.158, line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 23, section 15.162, line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 23, section 15.166, lines 1-8, by deleting all of said lines; and

Further amend said bill, page 23, section 15.168, lines 1-10, by deleting all of said lines.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCR 21**.

Senate Committee Substitute  
for  
House Concurrent Resolution No. 21

WHEREAS, since 1988, over seven hundred law enforcement officers throughout the United States have been killed in the line of duty and in addition over six hundred have been killed in duty-related accidents and over six hundred thousand officers have been assaulted; and

WHEREAS, while progress is being made in fighting crime, violence remains a serious threat to those officers who have sworn to protect society; and

WHEREAS, these heroic men and women of our law enforcement agencies who face danger every day and their fallen colleagues come from many different backgrounds; and

WHEREAS, we the members of the Ninetieth General Assembly believe these heroes who fought and died for the strongly held principles of law and order and whose sacrifices have made a difference to each and everyone of us should be honored in some significant way; and

WHEREAS, the U.S. Postal Service issues commemorative stamps which honor deceased heroes and we believe there are no greater heroes than our fallen law enforcement officers:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Postal Service to issue a commemorative stamp honoring all law enforcement officers who have been killed in the line of duty; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution to be sent to the Citizens' Stamp Advisory Committee, c/o Stamp Management, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 4474EB, Washington, DC 20260-6756.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 13**, entitled:

An act to appropriate money for real property leases, related service, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of Constitution of Missouri, and to appropriate money for capital improvements and other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 19**.

Senate Concurrent Resolution No. 19

WHEREAS, the members of the Missouri Senate are pleased to learn of the latest outstanding accomplishment of George Brett, former All Star third baseman and player for the Kansas City Royals; and

WHEREAS, from 1974 until he retired as a player in 1994, George Brett was the premier player of the Kansas City Royals, leading his team to Division Championships, American League Pennants and in 1985 the ultimate achievement of baseball, the

World Series Championship, and became the first player to win the batting championship in 3 consecutive decades; and

WHEREAS, George Brett was throughout his playing career, and has continued thereafter, to be the perfect gentleman on and off the field, the favorite of the fans, the players Player, and the ideal All-American Athlete; and

WHEREAS, George Brett has visited the Missouri Senate on numerous occasions as the guest of his close friend, our colleague, the current Senator from the 10th District, Senator Harry Wiggins, and has given generously of his time and his name to many civic and charitable causes of importance to Kansas City and the State of Missouri; and

WHEREAS, the weekend of July 24, 1999, in Cooperstown, New York, George Brett will receive the greatest honor any baseball player can ever receive when he is inducted as a member of the Baseball Hall of Fame; and

WHEREAS, it is appropriate for the Missouri General Assembly, the Governor and the State of Missouri to take note of this stupendous accomplishment, to honor George Brett in a special way as the first Royals Player to achieve this honor;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, the House of Representatives concurring therein, do hereby instruct the Missouri Highway Commission and the Department of Transportation to take action immediately to name a section of Interstate 70 from the Missouri-Kansas State Line on the west to Blue Ridge Cut Off at the George Brett Bridge on the east, the George Brett Super Highway to honor this remarkable athlete and gracious human being and to complete this renaming project not later than July 15, 1999.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 16**, entitled:

An act to appropriate money for capital improvement and economic development projects for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 16, Page 6, Section 16.029, Line 3, by deleting the word "gas" on said line and inserting in lieu thereof the word "grants".

In which the concurrence of the House is respectfully requested.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HB 13**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin moved that the House refuse to adopt **SCS HCS HB 13** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCR 28, as amended**, relating to joint study committee, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **SCS HCR 28, as amended**, was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkemeyer Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Richardson Riley  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 014

Bartelsmeyer Daniel Franklin Green Hagan-Harrell  
Hohulin Kelly 27 Lograsso Luetkenhaus Reynolds  
Ridgeway Sallee Thompson 37 Vogel

VACANCIES: 002

On motion of Representative Ransdall, **SCS HCR 28, as amended**, was read the third time and passed by the following vote:

AYES: 146



Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crump Davis 122 Davis 63 Dolan Dougherty  
Elliott Enz Farnen Fitzwater Foley  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 014

Backer Bartelsmeyer Bray 84 Crawford Daniel  
Days Evans Franklin Green Hohulin  
Luetkenhaus Pryor Ridgeway Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Wiggins moved that motion lay on the table.

The latter motion prevailed.

**SCS HCS HCR 19**, relating to share the harvest program, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **SCS HCS HCR 19** was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boykins Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Loudon

Luetkemeyer Marble May 108 Mays 50 McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 014

Backer Bartelsmeyer Boucher Bray 84 Daniel

Green Hohulin Long Luetkenhaus McBride

Ostmann Ridgeway Thompson 37 Wright

VACANCIES: 002

On motion of Representative Williams (121), **SCS HCS HCR 19** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Ballard

Barnett Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boykins

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkemeyer

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 014

Backer Barry 100 Bartelsmeyer Boucher Bray 84  
Daniel Green Hohulin Lograsso Luetkenhaus  
Ostmann Richardson Ridgeway Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

**SCS HCS HCR 3**, relating to committee on legislative term limits, was taken up by Representative Farnen.

On motion of Representative Farnen, **SCS HCS HCR 3** was adopted by the following vote:

AYES: 104

Abel Akin Alter Auer Backer  
Ballard Barry 100 Bartle Bennett Berkowitz  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Clayton  
Crump Davis 122 Davis 63 Days Dougherty  
Farnen Fitzwater Foley Ford Fraser  
Gambaro George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gunn Hagan-Harrell Hampton  
Harlan Hartzler 123 Hartzler 124 Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer



Kelly 27 Kennedy King Kissell Koller  
Kreider Lakin Lawson Leake Legan  
Liese Long May 108 Mays 50 McBride  
McKenna McLuckie Merideth Monaco Murphy  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Ransdall Reynolds  
Riley Rizzo Robirds Ross Scheve  
Schilling Secrest Seigfreid Selby Shelton  
Skaggs Smith Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 047

Barnett Bartelsmeyer Berkstresser Black Blunt  
Champion Chrismer Cierpiot Crawford Dolan  
Elliott Enz Evans Foster Froelker  
Gaskill Gross Hanaway Hegeman Howerton  
Kasten Kelley 47 Klindt Levin Linton  
Lograsso Loudon Luetkemeyer Marble McClelland  
Miller Myers Patek Pouche Pryor  
Purgason Reid Reinhart Relford Sallee  
Schwab Scott Shields Summers Surface  
Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel Franklin Green Hohulin Luetkenhaus  
Richardson Ridgeway Stokan Thompson 37 Wiggins

VACANCIES: 002

On motion of Representative Farnen, **SCS HCS HCR 3** was read the third time and passed by the following vote:

AYES: 109

Abel Akin Alter Auer Backer  
Ballard Barry 100 Bartle Bennett Berkowitz  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Clayton Crump Davis 122 Davis 63 Days  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy King Kissell Koller Kreider  
Lakin Lawson Leake Legan Liese  
Long May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murphy Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Ransdall Reynolds Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Secrest Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 72 Treadway  
Troupe Tudor Van Zandt Wagner Ward  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 042

Barnett Bartelsmeyer Berkstresser Black Blunt  
Chrismer Cierpiot Crawford Dolan Elliott  
Enz Evans Foster Froelker Gaskill  
Gross Hanaway Hegeman Klindt Levin  
Linton Lograsso Loudon Luetkemeyer Marble  
McClelland Miller Myers Patek Pryor  
Purgason Reid Reinhart Relford Schwab  
Shields Scott Summers Surface Townley  
Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel Dougherty Hohulin Kasten Luetkenhaus  
Pouche Richardson Ridgeway Thompson 37 Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative George, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Kelly (27) moved that motion lay on the table.

The latter motion prevailed.

**SS HCR 11**, relating to committee on telecommunications, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **SS HCR 11** was adopted by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Ford Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Leake Legan

Levin Liese Lograsso Long Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 72 Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 002

Murphy Townley

PRESENT: 000

ABSENT WITH LEAVE: 012

Chrismer Daniel Fitzwater Foley Foster

Franklin Lawson Linton Luetkenhaus Richardson

Ridgeway Thompson 37

VACANCIES: 002

On motion of Representative Mays (50), **SS HCR 11** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Barnett Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Elliott Enz Evans Farnen

Fitzwater Ford Foster Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Griesheimer Green Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Leake Legan Levin Liese

Long Loudon Luetkemeyer Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000



PRESENT: 000

ABSENT WITH LEAVE: 015

Ballard Barry 100 Chrismer Daniel Dougherty

Foley Franklin Hohulin Lawson Linton

Lograsso Luetkenhaus Richardson Ridgeway Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 866**, relating to transaction brokers, was taken up by Representative Treadway.

On motion of Representative Treadway, **SCS HB 866** was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Elliott Enz Evans Farnen

Fitzwater Ford Foster Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Leake Legan Levin Liese

Lograsso Long Loudon Luetkemeyer Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnett Boucher Chrismer Daniel Dougherty  
Foley Franklin Hohulin Lawson Linton  
Luetkenhaus Patek Richardson Ridgeway Thompson 37

VACANCIES: 002

On motion of Representative Treadway, **SCS HB 866** was truly agreed to and finally passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Elliott  
Enz Evans Farnen Fitzwater Ford  
Foster Fraser Froelker Gambaro Gaskill  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
King Kissell Klindt Koller Kreider  
Lakin Leake Legan Levin Liese  
Lograsso Long Loudon Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Daniel Dougherty Foley Franklin George  
Hohulin Hoppe Kennedy Lawson Linton  
Luetkenhaus Murphy Patek Richardson Ridgeway  
Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 548**, relating to sales tax on food, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **SCS HB 548** was adopted by the following vote:

AYES: 117

Abel Akin Alter Auer Backer  
Barry 100 Bennett Berkowitz Berkstresser Black  
Boatright Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Chrismer Cierpiot  
Clayton Crawford Crump Days Enz  
Farnen Fitzwater Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Howerton  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Leake Levin Liese  
Luetkemeyer Marble May 108 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Pouche Pryor Ransdall  
Reid Reinhart Relford Reynolds Riley  
Rizzo Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Thompson 72 Treadway Troupe Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 016

Barnett Bartle Blunt Champion Evans  
Hanaway Kelley 47 Legan Long Loudon  
Murphy Myers Robirds Surface Townley  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 028

Ballard Bartelsmeyer Bonner Daniel Davis 122  
Davis 63 Dolan Dougherty Elliott Foley  
Harlan Hohulin Hosmer Kasten Kelly 27  
Lawson Linton Lograsso Luetkenhaus Mays 50  
Parker Patek Purgason Richardson Ridgeway  
Stokan Thompson 37 Tudor



VACANCIES: 002

On motion of Representative Kennedy, **SCS HB 548** was truly agreed to and finally passed by the following vote:

AYES: 122

Abel Akin Alter Auer Barry 100

Bennett Berkowitz Berkstresser Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Chrismer Cierpiot Clayton

Crawford Crump Days Enz Evans

Farnen Fitzwater Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Howerton

Kelley 47 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Long Luetkemeyer

Marble May 108 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Pouche Pryor Ransdall

Reid Reinhart Relford Reynolds Riley

Rizzo Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Summers

Surface Thompson 72 Treadway Troupe Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Mr. Speaker

NOES: 010

Barnett Bartle Blunt Champion Hanaway

Loudon Myers Robirds Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 029

Backer Ballard Bartelsmeyer Black Daniel

Davis 122 Davis 63 Dolan Dougherty Elliott

Foley Harlan Hohulin Hosmer Kasten

Kelly 27 Linton Lograsso Luetkenhaus Mays 50

Parker Patek Purgason Richardson Ridgeway

Stokan Thompson 37 Tudor Wilson

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Crump, the House recessed until 2:15 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1280 - Representative Scheve

House Resolution No. 1281 - Representative Lawson

House Resolution No. 1282 - Representative Legan

House Resolution No. 1283 - Representative Burton

House Resolution No. 1284 - Representative Hartzler (124)

House Resolution No. 1285 - Representative Ridgeway

House Resolution No. 1286 - Representative Backer

House Resolution No. 1287 - Representative Overschmidt

House Resolution No. 1288 - Representative Ransdall

House Resolution No. 1289 - Representative Crawford

House Resolution No. 1290 and House Resolution No. 1291 - Representative Berkowitz

#### **HOUSE BILL WITH SENATE AMENDMENT**

**HB 415, with Senate Committee Amendment No. 1**, relating to selective service registration, was taken up by Representative Vogel.

On motion of Representative Vogel, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Campbell Carter Chrismer Cierpiot Clayton

Crump Davis 122 Davis 63 Days Dolan  
Dougherty Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reinhart Relford Reynolds  
Ridgeway Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Elliott Holand

PRESENT: 001

Howerton

ABSENT WITH LEAVE: 013

Boucher Burton Champion Crawford Daniel

Enz Harlan Hohulin Linton O'Toole

Reid Richardson Sallee

VACANCIES: 002

On motion of Representative Vogel, **HB 415, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer  
Ballard Barnett Bartelsmeyer Bartle Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reinhart  
Relford Reynolds Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wright Mr. Speaker

NOES: 002

McLuckie Wilson

PRESENT: 000

ABSENT WITH LEAVE: 007

Barry 100 Bennett Harlan Lograsso O'Toole

Reid Richardson



VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

#### **BILL IN CONFERENCE**

**CCR SCS HB 789**, relating to audit of a political subdivision, was taken up by Representative Berkstresser.

On motion of Representative Berkstresser, **CCR SCS HB 789** was adopted by the following vote:

AYES: 148

Abel Akin Alter Auer Ballard

Barnett Bartelsmeyer Bartle Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 003

Backer Selby Ward

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100 Bennett Gibbons Harlan Hohulin

Lograsso Myers O'Toole Reid Richardson

VACANCIES: 002

On motion of Representative Berkstresser, **CCS SCS HB 789** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Van Zandt Vogel Wagner Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Selby Ward

PRESENT: 000

ABSENT WITH LEAVE: 009

Backer Champion Daniel Harlan O'Toole  
Ostmann Reid Richardson Tudor

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Murray moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**HCS SCS SBs 295 & 46**, relating to sovereign immunity, was taken up by Representative May (108).

Representative May (108) offered **HS HCS SCS SBs 295 & 46**.

Representative Auer raised a point of order that the **House Substitute** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative May (108) offered **HS HCS SCS SBs 295 & 46**.

Representative Relford offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 11, Section 537.610, Line 12, by inserting immediately following said line, the following subsection:

"7. In any action for damages pursuant to section 537.600, RSMo, a public entity or public employee acting within the scope and course of the employee's employment shall not be liable for more than the percentage share of the damage which is equal to the percentage of fault attributable to that public entity or public employee and only to the extent authorized by subsection 2 of this section."

Representative Relford moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin Alter Ballard Barnett Bartelsmeyer  
Bennett Berkstresser Black Blunt Boatright  
Burton Campbell Champion Chrismer Crawford  
Crump Elliott Enz Fitzwater Foster  
Froelker Gaskill Graham 106 Gratz Griesheimer  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hohulin Howerton Kasten Kelley 47 King  
Klindt Legan Levin Linton Long  
Loudon Luetkemeyer Marble McClelland Merideth  
Miller Murphy Myers Naeger Nordwald  
Ostmann Overschmidt Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Robirds Sallee Schwab Scott Secrest  
Seigfreid Shields Summers Surface Townley  
Tudor Vogel Wright

NOES: 086

Abel Auer Backer Barry 100 Bartle  
Berkowitz Bonner Boucher Boykins Bray 84  
Britt Carter Cierpiot Clayton Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Evans Farnen Foley Ford Franklin  
Fraser Gambaro George Gibbons Graham 24  
Green Gunn Hagan-Harrell Hampton Harlan  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Liese Lograsso Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Monaco Murray  
O'Connor O'Toole Parker Reynolds Richardson



Ridgeway Riley Rizzo Ross Scheve

Schilling Selby Shelton Skaggs Smith

Stokan Thompson 72 Treadway Van Zandt Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 002

Thompson 37 Troupe

VACANCIES: 002

Representative Merideth offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 1, In the Title, Line 2 after "537.705" by adding "537.740"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "five" and replacing it with the word "six"; and

Further amend said bill, Page 1, Line 9, by adding after "537.705" the following: ",537.740"; and

Further amend said bill, Page 1, Line 10, by deleting the word "five" and replacing it with the word "six"; and

Further amend said bill, Page 1, Line 12, by adding after "537.705," the following "537.740,"; and

Further amend said bill, Page 14, by inserting the following after Line 10:

"537.740 1. If contributions to the fund do not produce sufficient funds to pay any claims which may be due, the board shall assess and each member, including any member who has withdrawn but was a member in the year in which the assessment is required, shall pay such additional amounts which are each member's proportionate share of total claims allowed and due. **The board may abate or defer any part of the additional assessment of a member, if, in the opinion of the board, payment of the additional assessment would impair the ability of the member to fulfill its contractual obligations.** The provisions of this subsection shall apply retroactively to the creation of the Missouri public entity risk management fund.

2. The board, in order to carry out the purposes for which the fund is established, may select and employ, or contract with, persons experienced in insurance underwriting, accounting, the servicing of claims, and rate making, who shall serve at the board's pleasure, as technical advisors in establishing the annual contribution, or may call upon the director of the department of insurance for such services.

On motion of Representative Merideth, **House Amendment No. 2** was adopted.

Representative Summers offered **House Amendment No. 3.**

Representative Monaco raised a point of order that **House Amendment No. 3** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Abel offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 14, Section 537.705, Line 10, by adding after "agents." Such compensation shall not be additional to the contribution to the fund.

Representative Gross raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Abel, **House Amendment No. 3** was adopted.

Representative Seigfreid offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 11, Section 537.610, Line 12, by adding immediately after said line the following:

**"7. In the event a court renders final judgment determining that any provision of this act taking effect on or after its effective date constitutes a new activity or service or an increase in the level of an activity or service beyond that required by existing law pursuant to article X, section 21 of the Missouri constitution, or any successor to that section, such provision shall be void ab initio."**

Representative Seigfreid moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Gibbons offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 10, Section 537.610, Line 23, by deleting lines 23-24 on page 10, lines 1-9 on page 11; and section 537.756, lines 15-24 on page 14, and line 1 on page 15.

Representative Gibbons moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Akin Alter Ballard Barnett Bartelsmeyer

Bennett Berkstresser Black Blunt Boatright

Burton Carter Champion Crawford Crump

Dolan Elliott Enz Foster Froelker

Gaskill Gibbons Graham 106 Gratz Griesheimer

Hanaway Hartzler 123 Hartzler 124 Hegeman Hilgemann

Hohulin Holand Howerton Kasten Kelley 47

King Klindt Legan Linton Long

Loudon Luetkemeyer Marble McClelland Merideth

Miller Murphy Myers Naeger Nordwald  
Ostmann Overschmidt Patek Pouche Pryor  
Purgason Reid Reinhart Richardson Robirds  
Sallee Schwab Scott Secrest Shields  
Summers Surface Tudor Vogel Wright

NOES: 084

Abel Auer Backer Barry 100 Bartle  
Berkowitz Bonner Boucher Boykins Bray 84  
Britt Campbell Chrismer Cierpiot Clayton  
Daniel Davis 122 Days Dougherty Evans  
Farnen Fitzwater Foley Ford Fraser  
Gambaro George Graham 24 Green Gross  
Gunn Hagan-Harrell Hampton Harlan Hendrickson  
Hickey Hollingsworth Hoppe Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Leake Levin Liese Lograsso Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murray O'Connor O'Toole Parker  
Ransdall Relford Reynolds Ridgeway Riley  
Rizzo Ross Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 72 Treadway Van Zandt Wagner Ward  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Davis 63 Franklin Hosmer Thompson 37 Townley  
Troupe Wiggins

VACANCIES: 002

Representative Hilgemann offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 1, In the Title, Line 5 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting "and 1" and inserting in lieu thereof the following: ", 1 and 2"; and

Further amend said bill, Page 15, Section 1, Line 5 of said page, by inserting after all of said line the following:

**"Section 2. 1. Officers or employees of the state or any political subdivisions of the state shall not be subject to liability for losses, except personal injury or wrongful death, incurred as a result of any failure or malfunction caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if such failure or malfunction causing such loss was foreseeable but the plan or design for identifying and preventing such failure or malfunction was prepared in substantial compliance with generally accepted computer and information system design standards in effect at the time of the preparation of such plan or design.**

**2. As used in this section, the term "political subdivision" means any office, agency, department, commission, board, division, or institution of any county or municipality of the state of Missouri.**

**3. Nothing in this section shall be construed to increase the state's or any political subdivision's liability or in any way abrogate sovereign immunity.**

**4. The provisions of this section shall expire on December 31, 2005."**

Representative Hilgemann moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Relford offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 9, Section 105.711, Line 9, by inserting immediately following said line, the following section:

"537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that the property was in dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, [which was designed and constructed prior to September 12, 1977,] the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove [by a preponderance of the evidence] **to the court** that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design [standards] **guidelines** generally accepted at the time the road or highway was designed and constructed **regardless of any subsequent change in signing, improvement or maintenance of such highway or road if such improvement or maintenance did not alter the original design.**

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term "public entity" as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multi-state compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of subsection 4 of this section erroneously



interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989, to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances."; and

Further amend said bill and page by amending the title and enacting clause accordingly.

Representative Relford moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Froelker offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 15, Section 537.705, Line 4, by deleting the word "The"; and

Further amend said bill, Page 15, Section 537.705, Line 5, by deleting all of said line and inserting in lieu thereof "January 1, 2000".

On motion of Representative Froelker, **House Amendment No. 8** was adopted.

Representative Reid offered **House Amendment No. 9**.

**House Amendment No. 9** was withdrawn.

Representative Summers offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 1, In the Title, Line 5 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting "537.756 and 1" and inserting in lieu thereof the following: "537.756, 1 and 2"; and

Further amend said bill, Page 15, Section 1, Line 5 of said page, by inserting after all of said line the following:

**"Section 2. Upon request of the plaintiff in a negligence action against the department of transportation as defendant, the case shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435, RSMo."**

Representative Monaco raised a point of order that **House Amendment No. 9** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Summers, **House Amendment No. 9** was adopted by the following vote:

AYES: 078

Abel Akin Alter Ballard Barnett

Bartelsmeyer Bartle Bennett Berkstresser Blunt

Boatright Burton Campbell Champion Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Gratz Griesheimer Gross Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Howerton Kasten Kelley 47 King  
Klindt Leake Legan Levin Lograsso  
Loudon Luetkemeyer Marble McClelland Merideth  
Miller Murphy Myers Naeger Nordwald  
Ostmann Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Ridgeway Robirds  
Ross Sallee Schwab Scott Secrest  
Shields Summers Surface Townley Tudor  
Vogel Wiggins Wright

NOES: 076

Auer Backer Barry 100 Berkowitz Bonner  
Boucher Boykins Bray 84 Britt Carter  
Clayton Daniel Davis 122 Davis 63 Days  
Dougherty Farnen Fitzwater Foley Ford  
Fraser Gambaro George Graham 24 Green  
Gunn Hagan-Harrell Hampton Harlan Hickey  
Hilgemann Hollingsworth Hosmer Kelly 27 Kennedy  
Kissell Koller Kreider Lawson Liese  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Monaco Murray O'Connor O'Toole  
Overschmidt Parker Ransdall Relford Reynolds  
Riley Rizzo Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Treadway Troupe Van Zandt  
Wagner Ward Williams 121 Williams 159 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Black Crump Franklin Hoppe Lakin  
Linton Long

VACANCIES: 002

Representative Froelker offered **House Amendment No. 10.**

Representative May (108) raised a point of order that **House Amendment No. 10** is not germane to the bill.

**HCS SCS SBs 295 & 46, with HS, as amended, pending**, was laid over.

The Chair ruled the point of order well taken.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 65**, entitled:

An act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160, 50.1170, 70.697, 86.254, 104.040, 104.344, 104.370, 104.380 and 104.610, RSMo 1994, sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140, 50.1180, 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.810, 87.371, 104.010, 104.395, 104.401, 104.410, 104.415, 104.420, 104.612, 104.620, 169.060, 169.070, 169.075, 169.560, 169.655, 287.815 and 476.520, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof eighty-seven new sections relating to the same subject, with an emergency clause for certain sections and an effective date for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 7.

##### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 111, Section 104.620, Line 6 of said page, by inserting after all of said line the following:

"104.800. 1. Except as otherwise provided by law, any person having earned creditable service pursuant to the provisions of the state employees' retirement system or pursuant to the provisions of the state transportation department employees' and highway patrol retirement system or having service as a statewide state elective officer or having service as a member of the general assembly or having service pursuant to the provisions of sections 287.812 to 287.855, RSMo, or having service as a judge, as defined in section 476.515, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to **or from** any other retirement system or type of service specified in this section or sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service. The amount of service a person shall be entitled to transfer pursuant to the provisions of this section shall not exceed five years.

2. In the event of the death of a member before retirement and prior to exercising transfer rights pursuant to the provisions of this section, survivorship benefits shall be computed as if such person had in fact exercised or not exercised the person's transfer rights to produce the most advantageous benefit possible.

3. Any person that has earned creditable service pursuant to the provisions governing the Missouri state employees' retirement system or pursuant to the provisions of chapter 287, RSMo, or chapter 476, RSMo, who terminated employment prior to August 13, 1986, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall be eligible, prior to retirement, to make a one-time transfer of creditable service as provided in this section."; and

Further amend the title and enacting clause accordingly.

##### *Senate Amendment No. 2*



AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 76, Section 104.370, Line 12 of said page, by inserting after all of said line the following:

**"104.378. Upon the death of a member who has not requested creditable prior service pursuant to subsection 4 of section 104.372, the survivor of such member who is or would be eligible to receive benefits pursuant to section 104.420 may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, such survivor may elect to have the member receive such creditable prior service. Upon making such election, all of the provisions of subsection 4 of section 104.372 shall apply. Any survivor benefits payable shall be calculated as if such creditable prior service had been received by such member on the date of the death of the member.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 93, Section 104.420, Line 8 of said page, by inserting after all of said line the following:

"104.517. 1. The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system as follows:

(1) Employees are entitled to fifteen thousand dollars of life insurance. **Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee.** Coverage shall be effective on the first day of the month coinciding with or next following the employee's date of membership;

(2) Life insurance benefits shall cease on the date of termination of employment and a conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased on or after January 1, 1998, is that amount which equals six times the amount of the person's annual compensation, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself."; and

Further amend said bill, Page 149, Section 104.1072, Line 23, by inserting after the word and period **"insurance."** the following: **"Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee.";** and

Further amend said bill, by amending the title and enacting clause accordingly.



AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 210, Section 287.815, Line 37, by inserting immediately before said line the following:

"190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

- (1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;
- (2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;
- (3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;
- (4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;
- (5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise provided by the Constitution of the state of Missouri;
- (6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;
- (7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;
- (8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members' spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors; [and]
- (9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses; **and**
- (10) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement, and other employee-type fringe benefits for the volunteer members of any organized ambulance district and such other benefits for their spouses and minor children, either through a contributory or noncontributory plan, or both. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district.**

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted pursuant to any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:

- (1) Provide benefits to the public health that outweigh the associated costs;
- (2) Maintain or enhance public access to ambulance service;

(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out."; and

Further amend said bill, page 213, Section 287.815, line 15, by inserting immediately after said line the following:

"320.320. 1. A volunteer firefighter serving a rural, volunteer or subscription fire department or organization is serving the state of Missouri in an official capacity as a fire protection volunteer and is hereby declared to be a public safety officer of the state of Missouri serving without [compensation] **wages, salary or certain other employee-type fringe benefits described in subsection 2 of this section.**

2. The designation of a volunteer firefighter as a public safety officer of the state of Missouri in subsection 1 of this section does not entitle a volunteer firefighter to any rights, privileges or benefits provided to an employee or official of the state of Missouri, including retirement benefits and participation in the state legal defense fund; **except as provided in subsection 3 of this section.**

**3. Notwithstanding the provisions of subsection 2 of this section, any rural, volunteer or subscription fire department or organization, or volunteer fire protection association as defined in section 320.300, may provide life insurance, accident, sickness, health, disability, annuity, length of service, retirement, pension, and other employee-type fringe benefits for volunteer firefighters who are members of any such department, organization or association and such other benefits for their spouses and minor children as the governing board deems appropriate, either through a contributory or noncontributory plan, or both. The type and extent of such benefits shall be determined by the governing board of the department, organization or association, whichever is applicable. The provision and receipt of such benefits shall not make the recipient an employee of the district, association or organization. Directors or board members who are also volunteer firefighters may receive such benefits while serving as a director or board member of the district, association or organization.**

321.220. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and firefighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;



(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and minor children, through either or both a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

**(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement, and other employee-type fringe benefits for the volunteer members of any organized fire department of the district and such other benefits for their spouses and minor children, through either a contributory or noncontributory plan, or both. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;**

**(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, for the purpose of providing the benefits described in subdivision (17) of this section.**

321.600. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of sections 321.010 to 321.450;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the

contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any violation thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a class B misdemeanor, and upon conviction thereof shall be punished as is provided herein:

(a) The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation; or

(b) The board may adopt a specific ordinance to impose a fine or a series of fines for specific offenses of not more than five hundred dollars. The accused person may either appear in court at a set date or make payment to the officer appointed by the board, either in person or through the United States mail, with the moneys handled as are all other moneys of the district. If the fine is not paid by the deadline imposed, the violation and the failure to pay the fine or appear in court at the set date may be further prosecuted as provided in paragraph (a) of this subdivision. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 321.010 to 321.450;

(15) To provide for health, accident, disability, and pension benefits, through either or both a contributory or noncontributory plan, of the salaried members and such other benefits for their spouses and minor children of its organized fire department of the district. Such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

**(16) To provide for life insurance, accident, sickness, health, disability, annuity, uniform, length of service, pension, retirement, and other employee-type fringe benefits, through either a contributory or noncontributory plan or both, for the volunteer members and such other benefits for their spouses and minor children of any organized fire department of the district. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;**

**(17) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, for the purpose of providing the benefits described in subdivision (16) of this section."; and**

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCR 16**.

Senate Committee Substitute

for

House Concurrent Resolution No. 16

WHEREAS, as required by section 112(r) of the federal Clean Air Act, the Environmental Protection Agency has promulgated the Risk Management Program that requires the development of comprehensive prevention and emergency response programs for propane storage; and

WHEREAS, adequate safeguards to meet public safety needs currently exist under federal, state and local regulations; and



WHEREAS, the Environmental Protection Agency's risk management regulations will dramatically increase costs of doing business without increasing safety by: causing customers to switch away from propane, a federally approved clean fuel; duplicating state regulations based upon existing fire protection standards; duplicating federal right-to-know regulations; and not providing a fuel use exemption similar to OSHA's; and

WHEREAS, the EPA's rules cover anyone with more than 2380 gallons of propane on site, regardless of whether or not it is a single tank or connected tanks which could easily be exceeded by individual restaurants, farms and some residences; and

WHEREAS, the costs, which is estimated to exceed one and one-half billion dollars, to the private sector of complying with EPA's regulations will be staggering:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Environmental Protection Agency to not include propane in the Risk Management Program; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the difference on **SCS HCS HB 10, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 17**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 18**, entitled:

An act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

With Senate Amendment No. 1 and Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 18, Section 18.225, Line 3, by deleting the words "Organizational Maintenance Shop" and inserting in lieu thereof the word "Armory".

*Senate Amendment No. 2*

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 5, Section 18.100, Line 5, by adding after said line one new section to read as follows:

"Section 18.101. To the Office of Administration

For Public Television Stations Statewide pursuant to Sections 37.205 to 37.250 RSMo.

For cost of Federal Compliance of transition to digital television

From General Revenue Fund.....\$800,000".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 19**, entitled:

An act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

With Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2

*Senate Committee Amendment No. 1*

AMEND House Bill No. 19, Page 4, Section 19.020, by deleting said section in its entirety.

*Senate Committee Amendment No. 2*

AMEND House Bill No. 19, Page 5, Section 19.022, Line 7, by inserting immediately after the word "service" the words "in Missouri".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HA 1, HA 2, HA 3 and HA 4 to SB 76** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS#2 SB 288, as amended**, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House further conference on **HS HCS SB 291, as amended**, and further the President Pro Tem has re-appointed the following Conference Committee to act with a like committee from the House: Senators Caskey, Quick, Mathewson, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SB 338, as amended**, and request the House to take up and pass the bill and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2** and has taken up and passed **CCS HB 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 3** and has taken up and passed **CCS HB 3**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 4, as amended**, and has taken up and passed **CCS HB 4**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 5, as amended**, and has taken up and passed **CCS HB 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 6, as amended**, and has taken up and passed **CCS HB 6**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 7** and has taken up and passed **CCS HB 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 8**, and has taken up and passed **CCS HB 8**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted

the Conference Committee Report on **SCS HCS HB 9**, and has taken up and passed **CCS HB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 348** and has taken up and passed **CCS SCS HCS HB 348**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SBs 8 & 173, as amended**, and requests the House to recede from its position or failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SBs 31& 285, as amended**, and requests the House to recede from its position or failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SB 310, as amended**, and requests the House to recede from its position or failing to do so, grant the Senate a conference thereon.

#### **BILLS IN CONFERENCE**

**CCR SCS HCS HB 10, as amended**, relating to appropriations, was taken up by Representative Carter.

Representative Carter, having voted on the prevailing side, moved that the vote by which **House Perfecting Amendment No. 1** on **CCR SCS HCS HB 10, as amended**, was adopted, be reconsidered.

Which motion was adopted by the following vote:

AYES: 147

Abel Akin Alter Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lawson Leake Legan Levin

Liese Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid  
Reinhart Reynolds Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 003

Froelker Hohulin Linton

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Backer Bray 84 Harlan Hollingsworth  
Lakin Lograsso Ostmann Relford Richardson  
Stokan

VACANCIES: 002

**House Perfecting Amendment No. 1** was withdrawn.

**CCR SCS HCS HB 10, as amended,** was withdrawn.

Representative Carter moved that Rule 60 be suspended.

Which motion was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Chrismer Cierpiot  
Clayton Crump Daniel Davis 122 Davis 63  
Days Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman



Hendrickson Hickey Hilgemann Holand Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartle Champion Crawford Dolan Harlan  
Hollingsworth Lakin Ostmann Richardson Scott  
Stokan

VACANCIES: 002

**CCR SCS HCS HB 10, as amended**, relating to appropriations, was again taken up by Representative Carter.

Representative Carter offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND Conference Committee Substitute for House Bill No. 10, Page 39, Section 10.705, Line 3 of said page, by inserting after the word "infertility" a comma ","; and

Further amend said section, Page 41, Line 11 of said page, by striking out the comma "," and inserting in lieu thereof a semicolon ";"; and

Further amend said section, Page 42, Line 2 of said page, by striking out the word "inferility" and inserting in lieu thereof the word "infertility".

On motion of Representative Carter, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Carter, **CCR SCS HCS HB 10, as amended**, was adopted by the following vote:

AYES: 132

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Britt Burton Campbell Carter

Champion Cierpiot Crawford Crump Daniel

Davis 63 Dolan Dougherty Elliott Enz

Evans Farnen Foley Ford Foster

Franklin Froelker Gambaro Gaskill George

Gibbons Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hohulin

Holand Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkemeyer Luetkenhaus Marble May 108

McBride McKenna Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Reynolds Ridgeway Riley Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Selby Shelton Shields

Skaggs Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Vogel Wagner Ward Wiggins Williams 159

Wilson Mr. Speaker

NOES: 025

Backer Blunt Bray 84 Chrismer Clayton

Davis 122 Days Fitzwater Fraser Graham 24

Hanaway Harlan Hilgemann Lakin Loudon

Mays 50 McClelland Ostmann Relford Scheve

Seigfreid Smith Van Zandt Williams 121 Wright

PRESENT: 002

Boykins Hollingsworth

ABSENT WITH LEAVE: 002

McLuckie Richardson

VACANCIES: 002

On motion of Representative Carter, **CCS SCS HCS HB 10, as amended by House Perfecting Amendment No. 1**, was read the third time and passed by the following vote:

AYES: 140

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Boatright

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Cierpiot Crawford

Crump Daniel Davis 122 Davis 63 Dolan

Dougherty Elliott Enz Evans Farnen

Foley Ford Foster Franklin Froelker

Gambaro Gaskill George Gibbons Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkemeyer Luetkenhaus Marble May 108

McBride McKenna Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Reynolds Ridgeway Riley Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 019

Blunt Bray 84 Chrismer Clayton Days  
Fitzwater Fraser Graham 24 Hanaway Harlan  
Loudon Mays 50 McClelland McLuckie Ostmann  
Relford Scheve Van Zandt Wright

PRESENT: 001

Hollingsworth

ABSENT WITH LEAVE: 001

Richardson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Abel moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HB 18, as amended**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin moved that the House refuse to adopt **SCS HCS HB 18, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HB 19, with Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin moved that the House concur in **Senate Committee Amendment No. 2**, but refuse to concur in **Senate Committee Amendment No. 1** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump



Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Levin Liese Linton Lograsso  
Loudon Luetkemeyer Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Legan Long Luetkenhaus Richardson Stokan  
Wiggins

VACANCIES: 002

#### **BILL IN CONFERENCE**

**CCR SCS HCS HB 11, as amended**, relating to appropriations, was taken up by Representative Troupe.

On motion of Representative Troupe, **CCR SCS HCS HB 11, as amended**, was adopted by the following vote:

AYES: 135

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Cierpiot Clayton Crump Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gunn Hagan-Harrell Hampton  
Harlan Hartzler 123 Hartzler 124 Hegeman Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Ransdall  
Reinhart Relford Reynolds Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Stokan  
Summers Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 022

Akin Bartle Blunt Boatright Chrismer  
Crawford Dolan Foster Froelker Gross  
Hanaway Hendrickson Hohulin Holand Klindt  
Loudon Patek Pryor Purgason Reid  
Surface Wright

PRESENT: 001

Smith

ABSENT WITH LEAVE: 003

Linton Richardson Ward

VACANCIES: 002

On motion of Representative Troupe, **CCS SCS HCS HB 11** was read the third time and passed by the following vote:

AYES: 138

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Long Luetkemeyer Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Robards Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Stokan Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 019

Akin Bartle Blunt Boatright Chrismer

Dolan Griesheimer Gross Hanaway Hohulin

Loudon Nordwald Patek Pryor Purgason

Reid Summers Surface Wright

PRESENT: 001

Smith

ABSENT WITH LEAVE: 003

Linton Luetkenhaus Ward

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Seigfreid, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Boykins moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 13** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in **HA 1** to **SCR 1** and has taken up and adopted **SCR 1, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in **HCS** for **SCR 5** and has taken up and adopted **HCS SCR 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 33, as amended**, and has taken up and passed **HCS SB 33, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 405, as amended**, and has taken up and passed **HCS SCS SB 405, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 1, HA 2 to SS SCS SB 467**, and has taken up and passed **SS SCS SB 467, as amended**.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**HB 15, with Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84



Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Loudon  
Luetkemeyer Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 004

Hanaway Nordwald Purgason Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Hohulin Linton Luetkenhaus

VACANCIES: 002

On motion of Representative Franklin, **HB 15, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Boatright Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Luetkemeyer Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 006

Bartle Blunt Hanaway Loudon Nordwald  
Pryor

PRESENT: 000

ABSENT WITH LEAVE: 005

Backer Hohulin Linton Luetkenhaus Wright

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

**HB 16, with Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, the House concurred in **Senate Committee Amendment No. 1** by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 002

Hanaway Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Hohulin Linton Luetkenhaus Murphy

VACANCIES: 002

On motion of Representative Franklin, **HB 16, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Long Luetkemeyer Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Scheve Schilling Schwab Secrest Seigfreid



Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 007

Bartle Blunt Hanaway Loudon Pryor

Purgason Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Foley Hohulin Linton Luetkenhaus Sallee

Scott

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative George moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

#### **BILLS CARRYING REQUEST MESSAGES**

**HS SB 310, as amended**, relating to ethanol producer incentive fund, was taken up by Representative Leake.

Representative Leake moved that the House refuse to recede from its position on **HS SB 310, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HS HCS SS SCS SB 338, as amended**, relating to mental health insurance, was taken up by Representative Harlan.

Representative Harlan moved that the House refuse to recede from its position on **HS HCS SS SCS SB 338, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SS#2 SB 288, as amended**, relating to tobacco settlement trust fund, was taken up by Representative McLuckie.

Representative McLuckie moved that the House refuse to recede from its position on **HCS SS#2 SB 288** and grant the Senate a conference.

Which motion was adopted.

**SS SCS HB 65, as amended**, relating to retirement systems, was taken up by Representative O'Toole.

Representative O'Toole moved that the House refuse to adopt **SS SCS HB 65, as amended**, and request the Senate to recede from its position, or failing to do so, grant the House a conference and the conferees be allowed to exceed the differences for the purposes of capping future legislative annuities at 100% of legislative pay.

**SS SCS HB 65, as amended, with motion, pending**, was laid over.

**SB 76, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3 and House Amendment No. 4**, relating to collection of delinquent taxes, was taken up by Representative Shelton.

Representative Shelton moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3 and House Amendment No. 4 to SB 76**, and grant the Senate a conference.

Which motion was adopted.

**HS HCS SCS SBs 8 & 173, as amended**, relating to health programs, was taken up by Representative Ladd Stokan.

Representative Ladd Stokan moved that the House refuse to recede from its position on **HS HCS SCS SBs 8 & 173, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SCS HCS HB 13**: Representatives Franklin, Green, Leake, Legan and Gross

**HS SB 310**: Representatives Leake, Williams (159), Wiggins, Klindt and Hegeman

**HS HCS SS SCS SB 338**: Representatives Harlan, Treadway, Schilling, Shields and Froelker

**HCS SS#2 SB 288**: Representatives McLuckie, Smith, Campbell, Hanaway and Gibbons

**SB 76**: Representatives Shelton, Gambaro, Carter, Gross and Bennett

**HS HCS SCS SBs 8 & 173**: Ladd Stokan, Treadway, Backer, Ross and Pryor

#### **RE-APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS HCS SB 291**: Representatives Dougherty, Campbell, Monaco, McClelland and Hanaway

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SS SCS SB 19, as amended** - Fiscal Review (Fiscal Note)

#### **COMMITTEE REPORTS**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SCS SBs 328, 87, 100 & 55**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **SB 136**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 71**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 786**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

On motion of Representative Crump, the House recessed until 12:00 midnight or until the conference committee reports are received.

#### CONFERENCE COMMITTEE REPORT

ON

HOUSE BILL 12

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 12.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/DICK FRANKLIN /s/WAYNE GOODE

/s/TIMOTHY GREEN /s/JOHN RUSSELL

/s/SCOTT LAKIN /s/MORRIS WESTFALL

/s/KEN LEGAN

/s/CHUCK GROSS

#### CONFERENCE COMMITTEE REPORT

ON

HOUSE BILL 13

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 13.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
3. That the attached Conference Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/DICK FRANKLIN /s/WAYNE GOODE

/s/SAM LEAKE /s/HARRY WIGGINS

/s/TIMOTHY GREEN /s/JOHN RUSSELL

/s/KEN LEGAN /s/MORRIS WESTFALL

/s/CHUCK GROSS

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, May 6, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-third Day, Tuesday, May 4, 1999, page 1716, line 3, by deleting "page 38", and inserting in lieu thereof "page 88".

Page 1680, roll call, by showing Representatives Boykins and Hilgemann voting "aye" rather than "absent with leave".

Page 1680, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Page 1681, roll call, by showing Representatives Hosmer, Kelly (27) and Patek voting "aye" rather than "absent with leave".

Page 1682, roll call, by showing Representatives Franklin, Kelly (27), Luetkemeyer and Patek voting "aye" rather than "absent with leave".

Pages 1682 and 1683, roll call, by showing Representatives Franklin, Hegeman, Howerton, Kelly (27), Lawson, Luetkemeyer and Patek voting "aye" rather than "absent with leave".

Page 1684, roll call, by showing Representative Champion voting "no" rather than "aye".

Page 1684, roll call, by showing Representatives Crump, Lakin and Luetkemeyer voting "aye" rather than "absent with leave".

Pages 1687 and 1688, roll call, by showing Representative Gross voting "aye" rather than "absent with leave".

Pages 1687 and 1688, roll call, by showing Representative Surface voting "no" rather than "absent with leave".



Page 1689, roll call, by showing Representatives Chrismer, Dolan, Hosmer, Kissell, Klindt, Luetkenhaus, McBride and Surface voting "aye" rather than "absent with leave".

Page 1689, roll call, by showing Representatives Crawford and Loudon voting "aye" rather than "absent with leave".

Pages 1689 and 1690, roll call, by showing Representatives Dolan, Kissell, Kreider, Luetkenhaus and McBride voting "aye" rather than "absent with leave".

Pages 1689 and 1690, roll call, by showing Representatives Bennett, Burton, Chrismer, Crawford, Franklin, Gross, Hosmer, Loudon, Naeger and Surface voting "no" rather than "absent with leave".

Pages 1691 and 1692, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1707, roll call, by showing Representatives Liese and Long voting "aye" rather than "absent with leave".

Page 1707, roll call, by showing Representative Burton voting "no" rather than "absent with leave".

Pages 1714 and 1715, roll call, by showing Representatives Burton, Froelker, Hosmer, Kennedy, Liese and Long voting "aye" rather than "absent with leave".

Page 1717, roll call, by showing Representatives George, Long and Nordwald voting "aye" rather than "absent with leave".

Page 1718, roll call, by showing Representative Klindt voting "aye" rather than "no".

Page 1718, roll call, by showing Representative Boykins voting "present" rather than "aye".

## **COMMITTEE MEETINGS**

### **FISCAL REVIEW**

Thursday, May 6, 1999, 9:00 am. North side of gallery. Executive session.

To be considered - SB 1, SB 387, SB 518

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Wednesday, May 12, 1999. Senate Lounge upon evening adjournment. Dept. of Elementary and Secondary Education. 5 CSR 80-805.015

### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Thursday, May 6, 1999, 9:45 am. North side of gallery.

To be considered - Executive Session - SB 525

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

Friday, May 7, 1999. Side gallery upon adjournment. Executive session.

To be considered - SB 392

## PUBLIC HEALTH

Thursday, May 6, 1999, 9:00 am. Hearing Room 7.

To be considered - HB 1061, SB 377

## RETIREMENT

Thursday, May 6, 1999. Side gallery upon noon adjournment. AMENDED NOTICE.

To be considered - HR 1168

## UTILITIES REGULATION

Thursday, May 6, 1999, 8:30 am. Hearing Room 6. Work session on House

Substitute for Senate Substitute #2 for Senate Bill 209.

## HOUSE CALENDAR

SIXTY-FIFTH DAY, THURSDAY, MAY 6, 1999

## HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

## HOUSE BILLS FOR PERFECTION

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz

9 HB 519 - Relford

10 HCS HB 535 - May (108)

11 HB 406 - Mays (50)

12 HB 146, HCA 1 - Wiggins

13 HB 787 - Wiggins

14 HB 59, HCA 1 - Boucher

15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

**SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 19

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCS SCS SCR 15, (4-29-99, pg. 1633) - McBride

**SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 295 & 46, HS, as amended, pending, E.C. - May (108)  
2 HCS SCS SB 308 & 314 - Skaggs  
3 HCS SCS SB 346 - Days  
4 SB 32 - Luetkenhaus  
5 SB 326 - Harlan  
6 HCS SB 20 - Schilling  
7 HCS SS SCS SB 14, 60 & 69 - Bray  
8 SB 495 - Mays (50)  
9 HCS SCS SB 61 - Hoppe

10 HCS SS SCS SB 335, (Fiscal Review 5-4-99) - Parker  
11 HCS SS SCS SB 160 & 82, E.C., (Fiscal Review 5-3-99) - Hoppe  
12 HCS SS SB 373 - Crump  
13 SCS SB 498 - O'Connor  
14 HCS SCS SB 386, E.C. - Liese  
15 HCS SB 518, (Fiscal Review 5-4-99) - Rizzo  
16 HCS SS SCS SB 1, 92, 111, 129 & 222, (Fiscal Review 5-4-99) - May (108)  
17 HCS SCS SB 387, 206 & 131, (Fiscal Review 5-4-99) - Gunn  
18 SCS SB 211 - Riback Wilson  
19 SS SCS SB 19, HCA 1, E.C. (Fiscal Review 5-5-99) - Koller  
20 HCS SS SB 289 - Days  
21 HCS SCS SB 394 - Hoppe

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

1 HCS SS#2 SB 163 - Kelly (27)  
2 SB 4 - Thompson (37)  
3 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 261, SA 1 - Auer  
2 SS SCS HB 65, as amended, E.C. (motion to refuse to adopt SS, a.a., req. Senate to recede or grant conf. & conferees to exceed diff.) - O'Toole  
3 SS#3 SCS HS HCS HB 427, 40, 196 & 404 - Luetkenhaus  
4 SCS HCR 21 - Kissell  
5 SCS HCR 16 - Wiggins

#### **BILLS CARRYING REQUEST MESSAGES**

1 HCS SCS SB 31 & 285, as amended, (Senate req. House rec./grant conf.) - Seigfreid  
2 SCS HCS HB 18, as amended, (req. Senate rec./grant conf.) - Franklin  
3 HB 19, SCA 1, (req. Senate recede on SCA 1 or grant conf.) - Franklin

#### **BILLS IN CONFERENCE**

1 CCR SCS HCS HB 12 - Green  
2 HS HCS SCS SB 436, as amended - Hoppe  
3 HCS SB 219, as amended - Bray  
4 HS HCS SB 291, as amended, E.C. - Dougherty  
5 CCR SCS HCS HB 13 - Franklin  
6 HS SB 310, as amended - Leake  
7 HS HCS SS SCS SB 338, as amended - Harlan  
8 HCS SS#2 SB 288, as amended - McLuckie  
9 HS HCS SCS SB 8 & 173, as amended - Ladd Stokan  
10 SB 76, HAs 1, 2, 3 & 4 - Shelton





Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SIXTY-FIFTH DAY, Thursday, May 6, 1999

Representative Graham (24) in the Chair.

Prayer by Pastor Ivan Horn.

On a day when our national legislative body has set aside a time for prayer, may we acknowledge, uphold and defend always our right to worship and walk our faith journey according to how we are led by our God or supreme higher being. As people of variety faith heritage, a legislative body and citizens of the State of Missouri, may we pause for moments of silence and meditation directives: For the discernment You have given us to lay hold of things unseen; for the strong sense we have that this world is not our own but is Your gift to us; for our restless hearts, which nothing finite can satisfy; for all those in our nation and world where tragedy, devastation, loss, and death has been experienced such as tornadoes, floods, violence and war.

O God of us all, whose nature is to be gracious, amazingly gracious, help us -- in our self-congratulation for our presence here this morning, for the progress we have made in our spiritual journeys, for our resistance of temptation to think we are doing everything on our own. Help us to always remember that we are here by Your grace.

You have called us, forgiven us, enabled us to be Your followers. Yet so easily we confuse Your graciousness with our virtues. We too quickly remember the sins of others and judge others on the basis of our beliefs and forget our own weaknesses. We take pride in our achievements, overlooking our failures, magnifying the shortcomings of other. Forgive us for our betrayals of Your grace. Give us some measure of Your expansive, inclusive love so that, in some way, we might see others as You see them and see ourselves as You see us. We pray this House of Representatives, elected by the citizens of Missouri, may be led and guided to work through the issues of finances and human resources so all in our state, as well as the world, may benefit because of legislation and action taken by this body. As we pray and make decisions that affect others, may we always acknowledge how marvelous and amazing is Your grace. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Scott Davis, Sarah Davis, Casey Poola, Cheree Suttan, Morgan Fraley, Cherron Suttan, Luke Miller, Jared Heid, Annmarie Vilkins, Gina Garber, Whitney Zanter, Danielle Ross, Lee Murdock, Laura Harter, Katie Eagan, Eric Sappington, Philip Morales, Danielle Welch, David Griffith, David Ledbetter, Toni Richter, Brian Arnold, Caitlin Eilenberg and Jared Halpin.

The Journal of the sixty-fourth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1292 - Representative Summers

House Resolution No. 1293 - Representative Selby

House Resolution No. 1294 - Representative Kreider

House Resolution No. 1295 - Representatives Thompson (72), Days and Gunn

House Resolution No. 1296 and House Resolution No. 1297 - Representative Myers

## **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 19** was read the second time.

## **BILL CARRYING REQUEST MESSAGES**

**HCS SCS SBs 31 & 285, as amended**, relating to campaign finance administration, was taken up by Representative Seigfreid.

Representative Seigfreid moved that the House refuse to recede from its position on **HCS SCS SBs 31 & 285, as amended**, and grant the Senate a conference and allow the conferees to exceed the differences on Section 130.046 as to the filing on the quarterly reports.

Which motion was adopted.

## **BILLS IN CONFERENCE**

**CCR SCS HCS HB 12**, relating to appropriations, was taken up by Representatives Green and Lakin.

On motion of Representative Lakin, **CCR SCS HCS HB 12** was adopted by the following vote:

AYES: 106

Abel Alter Auer Ballard Barry 100

Bennett Berkowitz Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Farnen Fitzwater

Foley Ford Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Hickey Hilgemann

Hollingsworth Hosmer Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Legan Liese Long May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Monaco Murphy Murray O'Connor

O'Toole Ostmann Overschmidt Ransdall Relford

Reynolds Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Thompson 37 Thompson 72

Townley Treadway Troupe Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 051

Akin Backer Barnett Bartelsmeyer Bartle

Berkstresser Black Blunt Boatright Champion

Chrismer Cierpiot Elliott Enz Evans

Foster Froelker Hampton Hanaway Hartzler 124

Hegeman Hendrickson Hohulin Holand Hoppe

Howerton King Klindt Levin Linton

Lograsso Loudon Luetkemeyer Marble Miller

Myers Naeger Nordwald Patek Pouche

Pryor Purgason Reid Reinhart Richardson

Ridgeway Scott Surface Tudor Wiggins

Wright

PRESENT: 001

Clayton

ABSENT WITH LEAVE: 003

Leake Luetkenhaus Parker

VACANCIES: 002

On motion of Representative Green, **CCS SCS HCS HB 12** was read the third time and passed by the following vote:

AYES: 109

Alter Auer Backer Ballard Barry 100

Bennett Berkowitz Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Farnen Fitzwater

Foley Ford Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Green Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 123 Hickey Hilgemann Hollingsworth

Hoppe Hosmer Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Monaco Murphy Murray



Naeger O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Robirds Ross Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 048

Akin Barnett Bartelsmeyer Bartle Berkstresser  
Black Blunt Boatright Champion Chrismer  
Cierpiot Elliott Enz Evans Foster  
Froelker Hampton Hanaway Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Howerton Kasten  
King Klindt Levin Linton Lograsso  
Loudon Luetkemeyer Marble Miller Myers  
Nordwald Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Ridgeway Sallee  
Surface Tudor Wright

PRESENT: 001

Clayton

ABSENT WITH LEAVE: 003

Abel Gratz Ostmann

VACANCIES: 002

Representative Graham (24) declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Mays (50) moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 13**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **CCR SCS HCS HB 13** was adopted by the following vote:

AYES: 091

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro Gaskill George Graham 24 Gratz

Green Gross Gunn Hagan-Harrell Hampton

Harlan Hickey Hilgemann Hollingsworth Hoppe

Hosmer Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Liese Long Luetkenhaus May 108 Mays 50

McBride McKenna McLuckie Monaco Murphy

Murray O'Connor O'Toole Overschmidt Parker

Ransdall Relford Reynolds Riley Rizzo

Scheve Schilling Seigfreid Selby Shelton

Skaggs Smith Stokan Thompson 37 Thompson 72

Treadway Troupe Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 069

Alter Ballard Barnett Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Burton Champion Chrismer Cierpiot Crawford

Dolan Elliott Enz Evans Foster

Froelker Gibbons Graham 106 Griesheimer Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten Kelley 47 King

Klindt Levin Linton Lograsso Loudon

Luetkemeyer Marble McClelland Merideth Miller

Myers Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reid Reinhart

Richardson Ridgeway Robirds Ross Sallee

Schwab Scott Secrest Shields Summers

Surface Townley Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 001

Akin

VACANCIES: 002

On motion of Representative Green, **CCS SCS HCS HB 13** was read the third time and passed by the following vote:

AYES: 102

Abel Auer Backer Barry 100 Bennett

Berkowitz Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dougherty Farnen Fitzwater Foley

Ford Franklin Fraser Gambaro Gaskill

George Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hegeman Hickey Hilgemann Hollingsworth

Hoppe Hosmer Kasten Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus

May 108 Mays 50 McBride McKenna Monaco

Murphy Murray O'Connor O'Toole Overschmidt

Parker Pouche Ransdall Relford Reynolds

Riley Rizzo Robirds Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Thompson 37

Thompson 72 Townley Treadway Troupe Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson

NOES: 053

Alter Ballard Barnett Bartelsmeyer Bartle

Berkstresser Black Blunt Boatright Chrismer

Cierpiot Elliott Enz Evans Foster

Froelker Gibbons Graham 106 Hanaway Hartzler 124

Hendrickson Hohulin Holand Howerton Kelley 47

King Klindt Levin Linton Lograsso

Loudon Luetkemeyer Marble McClelland Merideth

Miller Myers Naeger Nordwald Ostmann

Patek Pryor Purgason Reid Reinhart

Richardson Ridgeway Ross Sallee Summers

Surface Tudor Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Akin Champion Dolan McLuckie Secrest

Mr. Speaker

VACANCIES: 002

Representative Graham (24) declared the bill passed.

On motion of Representative Van Zandt, title to the bill was agreed to.

Representative Shelton moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCR 21**, relating to commemorative stamps, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **SCS HCR 21** was adopted by the following vote:

AYES: 150

Abel Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Marble



May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 37 Thompson 72 Townley Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Akin Backer Daniel Dougherty Kelly 27  
Luetkemeyer McLuckie Scott Stokan Treadway  
Mr. Speaker

VACANCIES: 002

On motion of Representative Kelly (27), **SCS HCR 21** was read the third time and passed by the following vote:

AYES: 148

Abel Alter Auer Ballard Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Days Dolan Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Akin Backer Daniel Dougherty Harlan  
Linton McLuckie Parker Pryor Ridgeway  
Sallee Scott Mr. Speaker

VACANCIES: 002

Representative Graham (24) declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**SCS HCR 16**, relating to risk management program, was taken up by Representative Leake.

On motion of Representative Leake, **SCS HCR 16** was adopted by the following vote:

AYES: 151

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Day Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Marble May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Scheve Schilling  
Schwab Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Akin Boykins Chrismer Harlan Luetkenhaus

McLuckie Parker Sallee Scott Stokan

VACANCIES: 002

On motion of Representative Leake, **SCS HCR 16** was read the third time and passed by the following vote:

AYES: 153

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dolan Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Akin Daniel Dougherty McLuckie Parker  
Scott Stokan Mr. Speaker

VACANCIES: 002

Representative Graham (24) declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.



Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative May (108) moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 10, as amended**, and has taken up and passed **CCS HB 10, as amended**, by **SPA 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 18, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCA 1 to HB 19** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 789**, and has taken up and passed **CCS SCS HB 789**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 20**.

#### Senate Concurrent Resolution No. 20

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SBs 8 & 173, as amended**: Senators Banks, Wiggins, Jacob, Sims and Singleton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SB 76, as amended**: Senators Banks, Clay, Maxwell, Graves and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS SB 310, as amended**: Senators Maxwell, Johnson, Staples, Westfall and Steelman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SCS SB 338, as amended**: Senators Howard, Mathewson, Scott, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 11, as amended**, and has taken up and passed **CCS HB 11**.

### MOTION

Representative Franklin moved that Rule 26 be suspended to allow the conferees on **SCS HCS HB 18 and HB 19, as amended**, to meet on May 6, 1999, while the House is in session.

Which motion was adopted the by following vote:

AYES: 148

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Patek  
Pouche Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Secrest Seigfreid Selby Shields  
Skaggs Smith Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson

NOES: 003

Reid Shelton Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Akin Bartelsmeyer Daniel Luetkenhaus McLuckie  
Parker Pryor Scott Stokan Mr. Speaker

VACANCIES: 002

Speaker Gaw assumed the Chair.

### THIRD READING OF SENATE BILL

**HCS SCS SBs 295 & 46, with HS, as amended, pending**, relating to sovereign immunity, was taken up by Representative May (108).

Representative Reid offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 15, Section 1, Line 5, by inserting immediately after said line the following: "**Section 2. Notwithstanding any other law to the contrary, a city not within a county shall have a maximum liability limit of 20 million dollars per occurrence and one million dollars per person.**"; and

Further amend the title and enacting clause accordingly.

Representative Hohulin offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 15, Section 1, Line 5, by inserting immediately after said line the following:

**"Section 2. The individual liability limits of a city or political subdivision of the state shall be increased to the aggregate amount of damages sought in any civil tort action filed by the city or political subdivision of the state against a manufacturer or distributor of firearms. The increased liability limits shall become effective upon the filing of such an action or appeal by the city or political subdivision.;** and

Further amend the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 10** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

**HCS SCS SBs 295 & 46, with House Substitute Amendment No. 1 for House Amendment No. 10, House Amendment No. 10 and HS, as amended, pending,** was laid over.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HCS SCS SBs 31 & 285:** Representatives Seigfreid, Days, Backer, Long and Hendrickson

**SCS HCS HB 18:** Representatives Franklin, Lakin, Ford, Legan and Shields

**HB 19:** Representatives Franklin, Schilling, Leake, Holand and Legan

On motion of Representative Crump, the House recessed until 2:10 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1298 through House Resolution No. 1304 - Representative Gunn

House Resolution No. 1305 - Representative Fraser

House Resolution No. 1306 and House Resolution No. 1307 - Representative Gaskill

House Resolution No. 1308 through House Resolution No. 1310 - Representative Lakin

House Resolution No. 1311 - Representative Sallee

House Resolution No. 1312 - Representative Hartzler (124)

House Resolution No. 1313 - Representative Blunt

House Resolution No. 1314 through House Resolution No. 1317 - Representative Parker

House Resolution No. 1318 - Representatives Surface, Burton and Elliott

House Resolution No. 1319 - Representative Purgason

House Resolution No. 1320 and House Resolution No. 1321 - Representative Berkstresser

House Resolution No. 1322 - Representative Burton

House Resolution No. 1323 - Representative Gunn

House Resolution No. 1324 - Representative Skaggs



House Resolution No. 1325 - Representatives Williams (121) and Sallee

House Resolution No. 1326 - Representative Merideth

House Resolution No. 1327 through House Resolution No. 1329 - Representative Griesheimer

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 137

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Boatright Bonner

Boucher Bray 84 Britt Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Days

Dougherty Elliott Enz Evans Farnen

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Luetkenhaus Marble May 108

Mays 50 McBride McKenna Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Patek Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Roberts Ross Schilling Schwab Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Summers Surface Thompson 37 Thompson 72

Townley Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 000

PRESENT: 004

Blunt Boykins Reid Wright

ABSENT WITH LEAVE: 020

Black Burton Dolan Fitzwater Harlan

Hegeman Howerton Lograsso Loudon Luetkemeyer

McClelland McLuckie Parker Pouche Pryor

Sallee Scheve Scott Stokan Treadway

VACANCIES: 002

### THIRD READING OF SENATE BILLS

**HCS SCS SBs 295 & 46, with House Substitute Amendment No. 1 for House Amendment No. 10, House Amendment No. 10 and HS, as amended, pending,** relating to sovereign immunity, was again taken up by Representative May (108).

**House Substitute Amendment No. 1 for House Amendment No. 10** was withdrawn.

Representative Hohulin offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 295 & 46, Page 15, Section 1, Line 5, by inserting immediately after said line the following:

"Section 2. The individual liability limits of a city or other political subdivision of the state for any one person a single accident or occurrence, as set forth in section 537.610, shall be increased to the aggregate amount of damages received in any single civil tort action filed by the city or other political subdivision of the state against any non-governmental entity. The increased individual liability limits shall become effective upon the receipt of such damage amounts by the city or other political subdivision of the state. The increased individual liability limits shall be effective for ten years after receipt of said damage amounts by the city or other political subdivision."; and

Further amend the title and enacting clause accordingly.

Representative Clayton raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 10** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Hohulin moved that **House Substitute Amendment No. 1 for House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Elliott Enz Foster Froelker

Gaskill Graham 106 Gratz Griesheimer Gross

Hartzler 123 Hartzler 124 Hegeman Hohulin Holand

Howerton Kasten Kelley 47 King Klindt  
Legan Levin Linton Long Loudon  
Luetkemeyer Marble Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Robirds  
Sallee Schwab Shields Summers Surface  
Townley Tudor Vogel Wright

NOES: 090

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Dolan Evans  
Farnen Fitzwater Foley Ford Fraser  
Gambaro George Gibbons Graham 24 Green  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hendrickson Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Liese  
Luetkenhaus May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murray O'Connor  
O'Toole Overschmidt Parker Ransdall Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Ross Scheve Schilling Seigfreid Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Van Zandt Wagner  
Ward Wiggins Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Dougherty Franklin Lograsso McClelland Scott  
Secrest Williams 121

VACANCIES: 002

Representative Reid moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

Representative Gunn offered **House Amendment No. 11**.

Representative Monaco raised a point of order that **House Amendment No. 11** goes beyond the scope and is not germane to

the bill.

The Chair ruled the point of order well taken.

On motion of Representative May (108), **HS HCS SCS SBs 295 & 46, as amended**, was adopted.

On motion of Representative May (108), **HS HCS SCS SBs 295 & 46, as amended**, was read the third time and passed by the following vote:

AYES: 112

Abel Alter Auer Backer Barry 100  
Bartle Bennett Berkowitz Blunt Bonner  
Boucher Boykins Bray 84 Britt Campbell  
Carter Champion Cierpiot Clayton Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Evans Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Gibbons Graham 24 Green Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 124  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kelley 47 Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Leake Levin Liese Lograsso  
Loudon Luetkenhaus May 108 Mays 50 McKenna  
McLuckie Merideth Monaco Murray Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Ross  
Scheve Schilling Seigfreid Shelton Shields  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 045

Akin Ballard Barnett Bartelsmeyer Berkstresser  
Black Boatright Burton Crawford Elliott  
Enz Foster Froelker Gaskill Graham 106  
Gratz Griesheimer Hartzler 123 Hegeman Hohulin  
Kasten King Klindt Legan Linton  
Long Luetkemeyer Marble McBride Miller  
Murphy Myers Nordwald Patek Pouche



Pryor Purgason Robirds Sallee Schwab

Secrest Selby Summers Surface Vogel

PRESENT: 000

ABSENT WITH LEAVE: 004

Chrismer McClelland Scott Townley

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SBs 308 & 314**, relating to MOSERS Year 2000 Plan, was taken up by Representative Skaggs.

Representative Skaggs offered **HS HCS SCS SBs 308 & 314**.

Representative Skaggs offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 and 314, Page 100, Section 104.1084, Lines 2 and 3, by deleting the following: "**who was first elected on or after January 1, 1993,**" and inserting in lieu thereof the following: "**or eligible beneficiary**".

Representative Hanaway offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 and 314, Page 58, Section 104.1003, Lines 5 to 8, by deleting all of said lines; and

Further amend said bill, Page 63, Section 104.1015, Line 22, by deleting the words "**as a member of the general assembly or**"; and

Further amend said bill, Page 71, Section 104.1021, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following: "**section 104.1003 or the four**"; and

Further amend said bill, Page 99, Section 104.1084, Lines 6 to 24 of said page, by deleting all of said lines; and

Further amend said bill, Page 100, Section 104.1084, Lines 1 to 7 of said page, by deleting all of said lines; and

Further amend said bill, Page 100, Section 104.1084, Line 8 of said page, by deleting the number "**4.**" and inserting in lieu thereof the following: "**104.1084. 1.**"; and

Further amend said bill, Page 100, Section 104.1084, Line 15 of said page, by deleting the number "**5.**" and inserting in lieu thereof the number "**2.**"; and

Further amend said bill, Page 100, Section 104.1084, Line 22 of said page, by deleting the number "6." and inserting in lieu thereof the number "3."; and

Further amend said bill, Page 101, Section 104.1084, Line 1 of said page, by deleting the number "7." and inserting in lieu thereof the number "4."; and

Further amend said bill, Page 101, Section 104.1084, Line 2, of said page, by deleting the words "**general assembly and**"; and

Further amend said bill, Page 101, Lines 4 through 7 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**statewide elected official**"; and

Further amend said bill, Page 101, Section 104.1084, Line 14 of said page, by deleting the number "8." and inserting in lieu thereof the number "5."; and

Further amend said bill, Page 102, Section 104.1087, Line 11, by deleting the phrase "**subsections 1 and**" and inserting in lieu thereof the word "**subsection**"; and

Further amend said bill, Page 102, Section 104.1087, Line 15, by deleting all of said line; and

Further amend said bill, Page 102, Section 104.1087, Line 16, by deleting the number "**(3)**" and inserting in lieu thereof the number "**(2)**".

Representative Hanaway moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 078

Alter Ballard Barnett Bartelsmeyer Bartle

Bennett Berkstresser Black Blunt Boatright

Britt Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Farnen Foster Froelker Gaskill Gibbons

Graham 106 Gratz Griesheimer Gross Hampton

Hanaway Hartzler 124 Hegeman Hendrickson Hohulin

Holand Hoppe Hosmer Howerton Kasten

Kelley 47 King Klindt Lakin Levin

Liese Linton Loudon Luetkemeyer Marble

Merideth Miller Myers Naeger Nordwald

Ostmann Overschmidt Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Richardson

Ridgeway Robirds Sallee Schwab Secrest

Shields Summers Surface Townley Tudor

Vogel Williams 159 Wright

NOES: 078

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Campbell

Carter Clayton Crump Daniel Davis 122

Days Dougherty Fitzwater Foley Ford

Franklin Fraser Gambaro George Graham 24

Green Gunn Hagan-Harrell Harlan Hartzler 123  
Hickey Hilgemann Hollingsworth Kelly 27 Kennedy  
Kissell Koller Kreider Lawson Leake  
Legan Lograsso Long Luetkenhaus May 108  
Mays 50 McKenna McLuckie Monaco Murphy  
Murray O'Connor O'Toole Parker Relford  
Reynolds Riley Rizzo Ross Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Wilson Mr. Speaker

PRESENT: 001

Akin

ABSENT WITH LEAVE: 004

Davis 63 McBride McClelland Scott

VACANCIES: 002

Representative Foster offered **House Substitute Amendment No. 2 for House Amendment No. 1.**

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 and 314, Page 100, Section 104.1084, Lines 2, 3 and 4 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**general assembly. In no event shall any such member receive annuity amounts in excess of seventy-five percent of pay.**".

Representative Foster moved that **House Substitute Amendment No. 2 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Campbell Champion Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Gratz Griesheimer Gross Hampton  
Hanaway Hartzler 124 Hendrickson Hohulin Holand  
Hoppe Hosmer Howerton Kasten Kennedy

King Legan Levin Linton Long  
Loudon Luetkemeyer Marble Merideth Miller  
Myers Naeger Ostmann Pouche Pryor  
Purgason Reid Reinhart Richardson Ridgeway  
Robirds Sallee Schwab Secrest Seigfreid  
Shields Townley Vogel Ward Wright

NOES: 081

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Carter Clayton Crump Daniel Davis 122  
Davis 63 Days Dougherty Farnen Fitzwater  
Foley Ford Franklin Fraser Gambaro  
George Graham 24 Green Gunn Hagan-Harrell  
Harlan Hartzler 123 Hickey Hilgemann Hollingsworth  
Kelly 27 Kissell Koller Kreider Lakin  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McKenna McLuckie Monaco Murphy  
Murray O'Connor O'Toole Overschmidt Parker  
Patek Ransdall Relford Reynolds Riley  
Rizzo Ross Scheve Schilling Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Wagner Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Hegeman Kelley 47 Klindt Lograsso McBride  
McClelland Nordwald Scott Summers Surface

VACANCIES: 002

Representative Bray assumed the Chair.

Speaker Gaw resumed the Chair.

On motion of Representative Skaggs, **House Amendment No. 1** was adopted.

Representative Kissell offered **House Amendment No. 2**.



*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 & 314, Page 1, In the Title, Line 4 of said page, by inserting after the number "104.420," the number "104.517,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the number "104.420," the number "104.517,"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 17 of said page by inserting after the number "104.420," the number "104.517,"; and

Further amend said bill, Page 34, Section 104.420, line 24 of said page, by inserting after all of said line the following:

"104.517. 1. The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system as follows:

(1) Employees are entitled to fifteen thousand dollars of life insurance. **Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee.** Coverage shall be effective on the first day of the month coinciding with or next following the employee's date of membership;

(2) Life insurance benefits shall cease on the date of termination of employment and a conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased on or after January 1, 1998, is that amount which equals six times the amount of the person's annual compensation, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself."; and

Further amend said bill, Page 93, Section 104.1072, Line 23 of said page, by inserting after the period "." after the word "insurance" the following: **"Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee."**

On motion of Representative Kissell, **House Amendment No. 2** was adopted.

Representative O'Toole offered **House Amendment No. 3**.

Representative Shields raised a point of order that **House Amendment No. 3** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Hagan-Harrell offered **House Amendment No. 3**.

Representative Gross raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Holand offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 & 314, Page 99, Section 104.1084, Line 10, by deleting the number "**two**" and inserting in lieu thereof the number "**three**"; and

Further amend said section, Page 100, Line 7, by deleting the number "**two**" and inserting in lieu thereof the number "**three**".

Representative Holand moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Alter Ballard Barnett Bartle Bennett

Berkstresser Black Blunt Boatright Champion

Chrismer Cierpiot Crawford Dolan Enz

Evans Farnen Foster Gambaro Gaskill

Gross Hampton Hanaway Hartzler 123 Hartzler 124

Hendrickson Hohulin Holand Hoppe Hosmer

Howerton Kasten Kennedy King Levin

Linton Loudon Luetkemeyer Marble McBride

Merideth Miller Murphy Myers Naeger

Patek Pryor Purgason Reid Reinhart

Reynolds Ridgeway Robirds Sallee Schwab

Secrest Seigfreid Shields Townley Tudor

Vogel Wright

NOES: 083

Abel Auer Backer Barry 100 Bartelsmeyer

Berkowitz Bonner Boucher Bray 84 Britt

Burton Campbell Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Fitzwater Foley Ford Franklin Fraser

George Gibbons Graham 106 Gratz Green

Griesheimer Gunn Hagan-Harrell Hickey Hilgemann

Hollingsworth Kelly 27 Kissell Koller Kreider

Lakin Lawson Leake Legan Liese

Luetkenhaus May 108 Mays 50 McKenna McLuckie

Monaco Murray O'Connor O'Toole Ostmann

Overschmidt Parker Ransdall Relford Richardson

Riley Rizzo Ross Scheve Schilling

Selby Shelton Skaggs Smith Stokan

Surface Thompson 37 Thompson 72 Treadway Troupe

Van Zandt Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 002

Boykins Graham 24

ABSENT WITH LEAVE: 014

Akin Carter Froelker Harlan Hegeman

Kelley 47 Klindt Lograsso Long McClelland

Nordwald Pouche Scott Summers

VACANCIES: 002

Representative Clayton offered **House Amendment No. 4.**

Representative Shields raised a point of order that **House Amendment No. 4** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Barnett offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 and 314, Page 1, In the Title, Line 8 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting after the number "104.344," the number "104.378,"; and

Further amend said bill, Page 17, Section 104.344, Line 11 of said page, by inserting after all of said line the following:

**"104.378. Upon the death of a member who has not requested creditable prior service pursuant to subsection 4 of section 104.372, the survivor of such member who is or would be eligible to receive benefits pursuant to section 104.420 may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, such survivor may elect to have the member receive such creditable prior service. Upon making such election, all of the provisions of subsection 4 of section 104.372 shall apply. Any survivor benefits payable shall be calculated as if such creditable prior service had been received by such member on the date of the death of the member."**



On motion of Representative Barnett, **House Amendment No. 4** was adopted.

Representative Troupe offered **House Amendment No. 5**.

**House Amendment No. 5** was withdrawn.

Representative Shields offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 & 314, Page 104, Section 287.815, Line 6, by deleting said section.

Representative Shields moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Elliott offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 & 314, Page 1, In the Title, Line 3 of said page, by inserting after the number "104.010," the number "104.374,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by inserting after the number "104.010," the number "104.374,"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting after the number "104.344," the number "104.374,"; and

Further amend said bill, Page 17, Section 104.344, Line 11 of said page, by inserting after all of said line the following:

"104.374. 1. The normal annuity of a member, other than a member of the general assembly or a member who served in an elective state office, shall be an amount equal to one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of the member. Years of membership service and twelfths of a year are to be used in calculating any annuity. Absences for sickness and injury of less than twelve months or for military service or training [under] **pursuant to** subsection 2 of section 104.330 shall be counted as years of membership service.

2. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed member of the water patrol **or uniformed conservation agent** shall be increased by thirty-three and one-third percent of the benefit.

3. Employees who are fully vested at the age of sixty-five years and who continue to be employed by an agency covered under the system or members of the general assembly who serve in the general assembly after the age of sixty-five years shall have added to their normal annuity when they retire or die an amount equal to the total of all annual cost-of-living increases that the retired members of the system received during the years between when the employee or member of the general assembly reached sixty-five years of age and the year that the employee or member of the general assembly terminated employment or died. In no event shall the total increase in compensation granted [under] **pursuant to** this subsection and subsection 2 of section 104.612 exceed sixty-five percent of the person's normal annuity calculated at the time of retirement or death."

Representative Elliott moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Troupe offered **House Amendment No. 7**.



*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 & 314, Page 102, Section 104.1084, Line 1 of said page, by adding after all of said line the following:

**"9. A member of the general assembly who has purchased creditable service shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion of the benefit attributable to the purchased service."**

On motion of Representative Troupe, **House Amendment No. 7** was adopted.

Representative Purgason offered **House Amendment No. 8**.

Representative Foley raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

Representative Hagan-Harrell raised an additional point of order that **House Amendment No. 8** is not properly drafted.

The Chair ruled the first point of order not well taken.

The Chair ruled the second point of order well taken.

Representative Patek offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 308 & 314, Page 17, Section 104.344, Line 11 of said page, by adding after all of said line the following:

"104.370. 1. Any member of the general assembly who has served at least three full biennial assemblies as a member of the general assembly and who meets the conditions for retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred fifty dollars multiplied by the number of biennial assemblies in which such member has served. For the purpose of calculating benefits due under this subsection:

(1) Service in any portion of a biennial assembly after service in at least three biennial assemblies shall be credited as service in a full biennial assembly; and

(2) Any person who is elected as a member of the general assembly at a special election and who serves the remainder of that term to which he was elected at such special election shall receive credit for a full biennial assembly for such service.

2. If a member of either retirement system established by this chapter, who has served at least three full biennial assemblies as a member of the general assembly, is elected to a state office, appointed to a state office, or employed by the state before, after, or before and after his service as a member of the general assembly, the member may, at the end of such employment, receive upon retirement, at or after the member's normal retirement age, the amount which shall be due the member for creditable service as a member of the general assembly. If he has not fully vested as a result of his employment as other than a member of the general assembly, he shall be credited with additional service as a legislator just as though all of the service combined had in fact been rendered as a member of the general assembly and receive a normal annuity. If the member retires before normal retirement age, the member shall receive the actuarial reduction approved by the board. Nothing in this section shall allow any member to simultaneously accumulate service in more than one state retirement system as a member of the general assembly and an employee or state officer.

3. A member who has fully vested as a state officer or employee and has service as a member of the general assembly of less than three full biennial assemblies, upon retirement, at or after the member's normal retirement age, shall be credited with additional service as a state officer or employee for the time he served as a member of the general assembly. If the member retires before normal retirement age, he shall receive the actuarial reduction approved by the board.

4. Any member of the general assembly who has served at least three full biennial assemblies and whose service as such terminates on or after October 1, 1984, and who served as an employee, as that term is defined in section 104.010, prior to the respective dates on which the retirement systems to which such sections apply originally became effective, but was not such an employee on such dates, shall be entitled to the creditable prior service that such employee would have been entitled to in either or both systems had such employee become a member on the date of inception of either or both systems. The maximum number of years of creditable prior service to which a member may become entitled pursuant to this section is less than ten years. The benefits attributable to such service shall be calculated as if all service was rendered as a member of the general assembly.

5. Any former member of the general assembly who is receiving benefits under the provisions of this section shall, upon written request to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement and other related matters and shall upon request of the board give opinions in writing or orally in response to such requests. As compensation for such services, the retired member shall have his retirement benefits recalculated the first of the month next following his application under this subsection to reflect that any portion of a year of creditable service shall be counted as one full biennial session.

6. Any retired member who is receiving benefits from the system and is elected to the general assembly but does not serve at least three biennial sessions shall receive creditable service for the time he served in the general assembly and upon leaving the general assembly shall have an additional benefit calculated using such service.

7. Benefits paid for service credited to legislative service shall be funded as provided in section 104.436.

8. Any former member of the general assembly not retired on August 28, 1994, who is fifty-five years of age or more and who has creditable service in the general assembly of at least three full biennial assemblies and has not used such services as creditable services in any other retirement system shall be made and employed by the board as a special consultant on the problems related to retirement and shall, when requested by the board, give opinions either written or orally on such problems. As compensation for such duties the former member of the general assembly shall be entitled to retire with a normal annuity effective the first of the month following receipt by the board of a written application.

9. Notwithstanding any other law to the contrary, any active member of the Missouri state employees' retirement system who is vested, on August 28, 1994, under the provisions of subsection 1 of this section, and who has served as an elected county official and who, by virtue of such service was a member of a retirement system other than the Missouri state employees' retirement system but was not vested in such other retirement system, or was not a member of any retirement system, shall receive creditable prior service in the Missouri state employees' retirement system for such previous service as an elected county official.

**10. Notwithstanding any other provision of this chapter to the contrary, any member of the general assembly initially sworn in on or after January 1, 2000, shall not be eligible to receive any retirement benefits otherwise payable pursuant to this chapter. The provisions of this subsection shall not apply to any service rendered prior to January 1, 2000.";** and

Further amend said bill, section 104.1084, page 102, line 1 of said page, by adding after all of said line the following:

**"9. Notwithstanding any other provision of this chapter to the contrary, any member of the general assembly initially sworn in on or after January 1, 2000, shall not be eligible to receive any retirement benefits otherwise payable pursuant to this chapter. The provisions of this subsection shall not apply to any service rendered prior to January 1, 2000.";** and

Further amend title and enacting clause accordingly.

Representative Patek moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

On motion of Representative Skaggs, **HS HCS SCS SBs 308 & 314, as amended**, was adopted.

On motion of Representative Skaggs, **HS HCS SCS SBs 308 & 314, as amended**, was read the third time and passed by the following vote:

AYES: 087

Abel Auer Backer Barnett Bennett

Berkowitz Bonner Boucher Boykins Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Harlan Hartzler 123 Hickey

Hilgemann Hollingsworth Kasten Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson  
Leake Legan Liese Lograsso Long  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McKenna McLuckie Monaco Murphy Murray  
O'Connor O'Toole Parker Reynolds Riley  
Rizzo Ross Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Wilson Mr. Speaker

NOES: 065

Alter Ballard Bartle Berkstresser Black  
Blunt Boatright Burton Champion Chrismer  
Cierpiot Crawford Dolan Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Gross Hampton Hanaway  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Hoppe Hosmer Howerton King Klindt  
Levin Linton Loudon Marble Merideth  
Miller Myers Naeger Ostmann Overschmidt  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Richardson Ridgeway Robirds  
Sallee Schwab Secrest Shields Summers  
Surface Tudor Vogel Williams 159 Wright

PRESENT: 001

Barry 100

ABSENT WITH LEAVE: 008

Akin Bartelsmeyer Bray 84 Kelley 47 McClelland  
Nordwald Relford Scott

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Selby, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.



The latter motion prevailed.

## HOUSE BILL FOR PERFECTION - INFORMAL

**HB 952, with House Amendment No. 1 and HS, pending**, relating to sales tax exemption, was taken up and placed back on the Informal Calendar.

## REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 19** - Transportation

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 888**, entitled:

An act to repeal sections 348.020 and 348.060, RSMo 1994, and sections 348.406, 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agriculture and small business development authority, and to enact in lieu thereof thirteen new sections relating to rural agricultural businesses, with an emergency clause and an expiration date for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5 and Senate Substitute Amendment No. 1 for Senate Amendment No. 7.

### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.407, Lines 4 and 6, by striking the word "authority" on said lines and inserting in lieu thereof the word "**department**"; and

Further amend said bill, page and section, lines 8-11, by striking all of said lines and inserting in lieu thereof the following:

**"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**

### *Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 10, Section 1, Line 25 of said page, by inserting immediately after said line the following: "**Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.**".

### *Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 13, Section 6, Line 26, by striking the words "seed capital investment board" and inserting in lieu thereof the following: "**agricultural and small business development authority**"; and

Further amend said page and section, line 28, by striking the word "board" and inserting in lieu thereof the word "**authority**".

### *Senate Amendment No. 5*



AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 4, Section 348.407, Line 5, by adding: "and only after competitive bidding".

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the words "one hundred" and inserting in lieu thereof the word "**seventy-five**".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 12** and has taken up and passed **CCS HB 12**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 13** and has taken up and passed **CCS HB 13**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SBs 31 & 285, as amended**: Senators Howard, Maxwell, Caskey, Flotron and Rohrbach.

#### CONFERENCE COMMITTEE REPORT

ON

HOUSE BILL NO. 18

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 18, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 18.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 18.
3. That the attached Conference Committee Substitute for House Bill No. 18, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Scott Lakin /s/ Harry Wiggins

/s/ Louis Ford /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Charlie Shields /s/ Morris Westfall

#### CONFERENCE COMMITTEE REPORT

ON

HOUSE BILL NO. 19

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on House Bill No. 19, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on SCA #1.
2. That House Bill No. 19, as amended by SCA #2, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dick Franklin /s/ Wayne Goode

/s/ Sam Leake /s/ Harry Wiggins

/s/ Mike Schilling /s/ Joe Maxwell

/s/ Ken Legan /s/ John Russell

/s/ Roy Holand /s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NOS. 31 & 285**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 31 & 285; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 31 & 285 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Jim Seigfreid /s/ Jerry Howard

/s/ Rita Days /s/ Harold L. Caskey

/s/ Gracia Backer /s/ Joe Maxwell

/s/ Beth Long /s/ Franc Flotron

/s/ Carl Hendrickson /s/ Larry Rohrbach

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m, Friday, May 7, 1999.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-fourth Day, Wednesday, May 5, 1999, page 1735, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1736, roll call, by showing Representatives Crawford and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1736 and 1737, roll call, by showing Representatives King, Luetkenhaus and Robirds voting "aye" rather than "absent with leave".

Pages 1737 and 1738, roll call, by showing Representatives Britt, King, Levin and Shields voting "aye" rather than "absent with leave".

Pages 1738 and 1739, roll call, by showing Representatives Black and King voting "aye" rather than "absent with leave".

Pages 1739 and 1740, roll call, by showing Representatives King and Ridgeway voting "no" rather than "absent with leave".

Pages 1740 and 1741, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1740 and 1741, roll call, by showing Representative King voting "no" rather than "absent with leave".

Pages 1741 and 1742, roll call, by showing Representatives King and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1741 and 1742, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Page 1742, roll call, by showing Representative Mays (50) voting "aye" rather than "absent with leave".

Page 1743, roll call, by showing Representatives Luetkenhaus and Mays (50) voting "aye" rather than "absent with leave".

Page 1744, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1745, roll call, by showing Representatives Lawson, Luetkenhaus and Shields voting "aye" rather than "absent with leave".

Pages 1745 and 1746, roll call, by showing Representatives Bonner, Lawson and Luetkenhaus voting "aye" rather than "absent with leave"

Pages 1746 and 1747, roll call, by showing Representatives Lawson and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1747 and 1748, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1751 and 1752, roll call, by showing Representatives Bartelsmeyer, Franklin, Kelly (27) and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1752 and 1753, roll call, by showing Representatives Bartelsmeyer, Crawford, Days, Franklin, Luetkenhaus and Ridgeway voting "aye" rather than "absent with leave".

Pages 1753 and 1754, roll call, by showing Representatives Bartelsmeyer, Luetkenhaus and Wright voting "aye" rather than "absent with leave".

Page 1754, roll call, by showing Representatives Barry and Bartelsmeyer voting "aye" rather than "absent with leave".

Page 1755, roll call, by showing Representatives Franklin and Luetkenhaus voting "aye" rather than "absent with leave".

Page 1755, roll call, by showing Representative Ridgeway voting "no" rather than "absent with leave".

Page 1756, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1756, roll call, by showing Representatives Pouche and Ridgeway voting "no" rather than "absent with leave".

Page 1757, roll call, by showing Representatives Chrismer, Fitzwater, Foster, Franklin, Lawson and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1757 and 1758, roll call, by showing Representatives Barry, Chrismer, Franklin and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1758 and 1759, roll call, by showing Representatives Barnett, Chrismer, Lawson, Luetkenhaus and Patek voting "aye" rather than "absent with leave".

Pages 1759 and 1760, roll call, by showing Representatives Franklin, George, Hoppe, Lawson, Luetkenhaus and Patek voting "aye" rather than "absent with leave".

Pages 1760 and 1761, roll call, by showing Representatives Bonner, Davis (122), Davis (63), Dolan, Hosmer, Kelly (27), Lawson, Luetkenhaus, Parker, Patek, Ridgeway and Ladd Stokan voting "aye" rather than "absent with leave".

Pages 1760 and 1761, roll call, by showing Representatives Bartelsmeyer and Purgason voting "no" rather than "absent with leave".

Page 1761, roll call, by showing Representatives Bartelsmeyer, Davis (122), Davis (63), Dolan, Hosmer, Kelly (27), Luetkenhaus, Parker, Patek, Ridgeway, Ladd Stokan and Riback Wilson voting "aye" rather than "absent with leave".

Page 1761, roll call, by showing Representative Purgason voting "no" rather than "absent with leave".

Pages 1762 and 1763, roll call, by showing Representative Howerton voting "aye" rather than "present".

Pages 1762 and 1763, roll call, by showing Representatives Burton and Enz voting "aye" rather than "absent with leave".

Pages 1763 and 1764, roll call, by showing Representatives Barry and Bennett voting "aye" rather than "absent with leave".

Pages 1764 and 1765, roll call, by showing Representatives Barry, Bennett and Myers voting "aye" rather than "absent with leave".

Pages 1765 and 1766, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".

Page 1769, roll call, by showing Representatives Davis (63) and Hosmer voting "aye" rather than "absent with leave".

Page 1772, roll call, by showing Representative Black voting "aye" rather than "absent with leave".

Page 1772, roll call, by showing Representatives Crump and Hoppe voting "aye" rather than "absent with leave".

Pages 1783 and 1784, roll call, by showing Representatives Bartle, Champion, Crawford, Dolan and Ladd Stokan voting "aye" rather than "absent with leave".

Pages 1786 and 1787, roll call, by showing Representatives Luetkenhaus and Ladd Stokan voting "aye" rather than "absent



with leave".

Pages 1787 and 1788, roll call, by showing Representative Ward voting "aye" rather than "absent with leave".

Pages 1788 and 1789, roll call, by showing Representatives Luetkenhaus and Ward voting "aye" rather than "absent with leave".

Page 1790, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1791, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1791, roll call, by showing Representative Wright voting "no" rather than "absent with leave".

Page 1792, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1792 and 1793, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Wednesday, May 12, 1999. Senate Lounge upon evening adjournment.

Dept.of Elementary and Secondary Education. 5 CSR 80-805.015

### **MOTOR VEHICLE AND TRAFFIC REGULATIONS**

Friday, May 7, 1999. Side gallery upon adjournment. Executive session.

To be considered - SB 392

## **HOUSE CALENDAR**

SIXTY-SIXTH DAY, FRIDAY, MAY 7, 1999

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake  
8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

**SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 20

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCS SCS SCR 15, (4-29-99, pg. 1633) - McBride

**SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 346 - Days

2 SB 32 - Luetkenhaus  
3 SB 326 - Harlan  
4 HCS SB 20 - Schilling  
5 HCS SS SCS SB 14, 60 & 69 - Bray  
6 SB 495 - Mays (50)  
7 HCS SCS SB 61 - Hoppe  
8 HCS SS SCS SB 335, (Fiscal Review 5-4-99) - Parker  
9 HCS SS SCS SB 160 & 82, E.C., (Fiscal Review 5-3-99) - Hoppe  
10 HCS SS SB 373 - Crump  
11 SCS SB 498 - O'Connor  
12 HCS SCS SB 386, E.C. - Liese  
13 HCS SB 518, (Fiscal Review 5-4-99) - Rizzo  
14 HCS SS SCS SB 1, 92, 111, 129 & 222, (Fiscal Review 5-4-99) - May (108)  
15 HCS SCS SB 387, 206 & 131, (Fiscal Review 5-4-99) - Gunn  
16 SCS SB 211 - Riback Wilson  
17 SS SCS SB 19, HCA 1, E.C. (Fiscal Review 5-5-99) - Koller  
18 HCS SS SB 289 - Days  
19 HCS SCS SB 394 - Hoppe  
20 SCS SB 325, HCA 1 - Treadway

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

1 HCS SS#2 SB 163 - Kelly (27)  
2 SB 4 - Thompson (37)  
3 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 261, SA 1 - Auer  
2 SS SCS HB 65, as amended, E.C. (motion pending to refuse to adopt SS, a.a., req. Senate to recede or grant conf. & conferees to exceed diff) - O'Toole  
3 SS#3 SCS HS HCS HB 427, 40, 196 & 404 - Luetkenhaus  
4 SS SCS HCS HB 888, as amended, E.C. - Leake

#### **BILLS IN CONFERENCE**

1 HS HCS SCS SB 436, as amended - Hoppe  
2 HCS SB 219, as amended - Bray  
3 HS HCS SB 291, as amended, E.C. - Dougherty  
4 HS SB 310, as amended - Leake  
5 HS HCS SS SCS SB 338, as amended - Harlan  
6 HCS SS#2 SB 288, as amended - McLuckie  
7 HS HCS SCS SB 8 & 173, as amended - Ladd Stokan  
8 SB 76, HAs 1, 2, 3 & 4 - Shelton  
9 CCR HCS SCS SB 31 & 285, as amended - Seigfreid

10 CCR SCS HCS HB 18, as amended - Franklin

11 CCR HB 19, as amended, SCA 1 - Franklin



Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

SIXTY-SIXTH DAY, Friday, May 7, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Donald Lammers.

This morning we came in under cloudy skies, with plentiful water and moisture all around us, perhaps an excess and some flooding. Let us pray!

"O God, You have visited the land and watered it; Greatly have you enriched it. God's watercourses are filled; You have prepared the grain. Thus have you prepared the land: drenching its furrows, breaking up its clods. Softening it with showers, blessing its yield." (Psalm 65:10-11)

Lord God, Father of all, Your gift of water is a marvelous blessing through which You sustain our very life. Through its wrongful use and through calamity of nature, water too quickly brings death. Protect us from these evils.

Lord God, as through water, so through our work and our decisions, great good can come to others. As the rivers guide the way of water, may Your Holy Spirit guide our work and our decisions, so that good may come to the people, and the common good be enhanced. Protect us from mistakes and from bad decisions that could result in undue burdens or even harm for our people. Bless us with Your mercy and Your grace as with the coolness of fresh water. You are our God, forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Madeline Held, Mike Todd, Jared Stiegman, Erica Hoffmeister, Sean Kelleher, Casey Boyer, David Giaco, Megan Weddell, Meredith Gibbons, Jessica Wells, Lloyd Ford, Mandy Piotraschke, Tabitha Riordan, Ryan Menley, Patrick Lewis, Stacye Garrett, Sarah Nicole Franklin, Lauren Paige Franklin and T. C. Freeman.

The Journal of the sixty-fifth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1330 - Representative Elliott

House Resolution No. 1331 - Representative Thompson (72)

House Resolution No. 1332 through House Resolution No. 1341 - Representative Gunn

House Resolution No. 1342 - Representative Dolan

House Resolution No. 1343 - Representative Pryor

House Resolution No. 1344 - Representative Crawford

House Resolution No. 1345 - Representative Berkowitz

House Resolution No. 1346 and House Resolution No. 1347 - Representative Purgason

House Resolution No. 1348 and House Resolution No. 1349 - Representative Gaw

House Resolution No. 1350 - Representative Kreider

House Resolution No. 1351 - Representative Gibbons

House Resolution No. 1352 - Representative Evans

## **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 20** was read the second time.

## **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 335 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 518 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## **HOUSE BILLS WITH SENATE AMENDMENTS**

**SS SCS HB 65, as amended**, relating to the St. Louis Police Department, with motion pending to refuse to adopt SS SCS HB 65, as amended, and request the Senate to recede from its position, or failing to do so, grant the House a conference and the conferees be allowed to exceed the differences for the purpose of capping future legislative annuities at 100% of legislative pay, was taken up by Representative O'Toole.

Speaker Gaw assumed the Chair.

Representative Shields made a substitute motion that the House request the Senate to recede from its position on **SS SCS HB 65, as amended**, or failing to do so, grant the House a conference and the conferees be allowed to exceed the differences to the extent necessary to add or delete language on HS HCS SCS SBs 308 & 314, as amended.

Which motion was adopted by the following vote:

AYES: 143

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Britt Burton Campbell Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Dolan Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Richardson Ridgeway Riley Rizzo  
Robards Ross Sallee Scheve Schilling  
Schwab Secrest Seigfreid Shelton Shields  
Skaggs Smith Stokan Summers Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wright Mr. Speaker

NOES: 010

Auer Boykins Carter Daniel Days  
Gambaro Murphy Reynolds Selby Wilson

PRESENT: 000

ABSENT WITH LEAVE: 008

Bartelsmeyer Bray 84 Dougherty McClelland Nordwald  
Scott Surface Townley

VACANCIES: 002

**SS SCS HCS HB 888, as amended**, relating to rural agricultural businesses, was taken up by Representative Leake.

Representative Leake moved that the House refuse to adopt **SS SCS HCS HB 888, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 219, as amended**, and has taken up and passed **CCS HCS SB 219**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SBs 31 & 285, as amended**, and has taken up and passed **CCS HCS SCS SBs 31 & 285**.

Emergency clause adopted.

#### **BILLS IN CONFERENCE**

**CCR SCS HCS HB 18, as amended**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **CCR SCS HCS HB 18, as amended**, was adopted by the following vote:

AYES: 132

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bennett Berkowitz Berkstresser

Black Boatright Bonner Boucher Boykins

Britt Burton Campbell Carter Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Gambaro Gaskill

George Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Liese

Lograsso Long Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Ransdall Reid Reinhart Relford

Reynolds Richardson Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Secrest Seigfreid Shelton Shields Skaggs

Smith Stokan Summers Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Williams 121 Williams 159

Wilson Mr. Speaker



NOES: 018

Akin Bartelsmeyer Bartle Blunt Champion  
Froelker Graham 24 Hanaway Hohulin Levin  
Linton Loudon Murphy Patek Pryor  
Purgason Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Bray 84 Chrismer Days Gibbons Marble  
McClelland Nordwald Ridgeway Scott Selby  
Wiggins

VACANCIES: 002

On motion of Representative Franklin, **CCS SCS HCS HB 18** was read the third time and passed by the following vote:

AYES: 140

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bennett Berkowitz Berkstresser  
Black Boatright Bonner Boucher Boykins  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Graham 106  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Liese Linton Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Pryor Ransdall Reid  
Reinhart Relford Richardson Ridgeway Riley  
Rizzo Robirds Ross Scheve Schilling

Schwab Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 012

Bartelsmeyer Bartle Blunt Graham 24 Hanaway  
Hohulin Levin Loudon Patek Purgason  
Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Ballard Bray 84 Crawford Gibbons McClelland  
Nordwald Reynolds Sallee Scott

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**CCR HB 19, as amended**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **CCR HB 19, as amended**, was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Boatright Bonner Boucher  
Boykins Britt Burton Campbell Carter  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 006

Blunt Hanaway Hohulin Loudon Pryor  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Backer Ballard Bray 84 Gibbons Marble  
McClelland Nordwald Scott Townley

VACANCIES: 002

On motion of Representative Franklin, **HB 19, as amended by Senate Committee Amendment No. 2**, was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Boatright  
Bonner Boucher Boykins Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger O'Connor O'Toole Ostmann Overschmidt  
Parker Pouche Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 007

Blunt Hanaway Hohulin Loudon Patek  
Pryor Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Bray 84 Kelly 27 Linton McClelland Nordwald  
Scott

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.



The latter motion prevailed.

**CCR HCS SCS SBs 31 & 285, as amended**, relating to campaign finance administration, was taken up by Representative Seigfreid.

Representative Seigfreid moved that **CCR HCS SCS SBs 31 & 285, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 017

Backer Davis 122 Days Fitzwater Hendrickson

Hilgemann Kennedy Lakin Legan Long

McBride O'Toole Ostmann Relford Seigfreid

Wiggins Mr. Speaker

NOES: 136

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 63

Dolan Dougherty Elliott Enz Evans

Farnen Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

King Kissell Klindt Koller Kreider

Lawson Leake Levin Liese Linton

Lograsso Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McKenna McLuckie Merideth

Miller Murphy Murray Myers Naeger

O'Connor Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Reynolds Richardson Ridgeway Riley Rizzo

Robirds Ross Scheve Schilling Schwab

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 McClelland Monaco Nordwald Sallee  
Scott Secrest Tudor

VACANCIES: 002

Representative Seigfreid moved that the House refuse to adopt **CCR HCS SCS SBs 31 & 285, as amended**, and request the Senate to grant the House further conference.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**SB 32**, relating to unemployment benefits, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus offered **HS SB 32**.

Representative Luetkenhaus offered **House Amendment No. 1**.

Representative Loudon raised a point of order that **House Amendment No. 1** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Pouche offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for Senate Bill No. 32, Page 16, Section 288.040, Line 6, by inserting after all of said line the following:

**"9. A temporary employee of a temporary help firm shall be deemed to have voluntarily quit employment if such temporary employee does not contact the temporary help firm for reassignment prior to such temporary employee's filing for unemployment benefits. Failure to contact the temporary help firm shall not be deemed a voluntary quit unless such employee has been advised that:**

- (1) Such employee is obligated to contact the temporary help firm upon completion of assignments; and**
- (2) Unemployment benefits may be denied such employee if such employee fails to contact the temporary help firm."**

Representative Luetkenhaus raised a point of order that **House Amendment No. 1** contains more than one subject matter and is not germane to the bill.

The Chair ruled the points of order not well taken.

Representative Pouche moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 068

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Howerton Kasten  
Kelley 47 King Klindt Legan Linton  
Lograsso Loudon Luetkemeyer Marble Merideth  
Miller Murphy Myers Naeger Ostmann  
Patek Pouche Pryor Purgason Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Secrest Shields Summers Townley  
Tudor Vogel Wright

NOES: 084

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Britt Campbell  
Carter Clayton Crump Daniel Davis 122  
Davis 63 Dougherty Farnen Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Hosmer Kelly 27 Kennedy Kissell  
Koller Kreider Lakin Lawson Leake  
Liese Luetkenhaus May 108 Mays 50 McBride  
McKenna McLuckie Monaco Murray O'Connor  
O'Toole Overschmidt Parker Ransdall Reid  
Relford Reynolds Riley Rizzo Scheve  
Schilling Seigfreid Selby Shelton Skaggs  
Smith Stokan Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Days Holand Levin Long  
McClelland Nordwald Scott Surface

VACANCIES: 002

Representative Sallee offered **House Amendment No. 2**.

Representative Luetkenhaus raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Pouche offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for Senate Bill No. 32, Page 18, Section 290.152, Lines 20, 21 and 22, by inserting the following after the word "**response**" on each such line: "**as to a material fact**".

Representative Reid offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

Representative Monaco raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 2** is not a true substitute amendment.

The Chair ruled the point of order well taken.

Representative Pouche moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Luetkenhaus, **HS SB 32** was adopted.

On motion of Representative Luetkenhaus, **HS SB 32** was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Dougherty Elliott Enz Evans Farnen

Fitzwater Ford Foster Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin



Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Thompson 37 Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnett Berkstresser Bray 84 Days Dolan  
Foley Franklin Harlan McClelland Nordwald  
Richardson Ridgeway Scott Surface Townley

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative George moved that the vote by which the bill passed be reconsidered.

Representative May (108) moved that motion lay on the table.

The latter motion prevailed.

**SB 326**, relating to nursing facility reimbursement allowance, was taken up by Representative Harlan.

Representative Harlan offered **HS SB 326**.

Representative Patek offered **House Amendment No. 1**.

**House Amendment No. 1** was withdrawn.

Representative Hendrickson offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for Senate Bill No. 326, Page 43, Section 197.318, Line 23, by inserting after the word "classification" the following:

The provision of sections 197.300 to 197.366 shall not apply to a skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri General Assembly, is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care.

Representative Hendrickson moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Reid offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for Senate Bill No. 326, Page 42, Section 197.317, Line 22, by deleting the period after "**2005**" and inserting in lieu thereof the following:

**"and provided, however, that this provision does not apply to a city not within a county and any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants."**

Representative Reid moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Harlan, **HS SB 326** was adopted.

On motion of Representative Harlan, **HS SB 326** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fraser Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Reid Thompson 37

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Days Ford Froelker Levin  
McClelland Nordwald Scott Surface

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Marble May 108 Mays 50 McBride McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Parker Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Days Gibbons Luetkenhaus McClelland  
Nordwald Overschmidt Patek Scott Surface

VACANCIES: 002

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

#### RECONSIDERATION

Representative Leake, having voted on the prevailing side, moved that the vote by which the House refused to adopt **SS SCS HCS HB 888, as amended**, and requested the Senate to recede from its position or, failing to do so, grant the House a conference was adopted, be reconsidered.



Which motion was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 159 Wilson Wright

Mr. Speaker

NOES: 006

Gunn Hendrickson Hohulin Pouche Pryor

Reid

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Days Gaskill Linton McClelland

Nordwald Scott Surface Williams 121

VACANCIES: 002

Representative Leake moved that the House refuse to adopt **SS SCS HCS HB 888, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference and the conferees be allowed to exceed the differences to take out the provisions for the state's equity position as stated in the bill.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**SB 495**, relating to energy assistance programs, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **SB 495** was truly agreed to and finally passed by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Britt Burton

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Vogel

Ward Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Boucher Bray 84 Campbell Days Harlan

Linton Luetkemeyer McClelland Nordwald Richardson

Scott Surface Van Zandt Wagner Wiggins

Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 386**, relating to banking, was taken up by Representative Liese.

Representative Liese offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 1, In the title, Line 5, by deleting the word "thirty-seven" and inserting in lieu thereof the word "**twenty-six**"; and

Further amend said substitute, section A, lines 3 and 4, by deleting the word "thirty-four" and inserting in lieu thereof the word "twenty-three"; and

Further amend said section, lines 6 and 7, by deleting the following "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11," and inserting in lieu thereof the following "**1 and 2**"; and

Further amend said substitute, pages 28 through 38, by deleting the following "Sections 1 through 11".

Representative Hosmer offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

for

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 28, Section 1, Line 2, by deleting all of said language through line 7, page 38, and by adding the following:

"A viatical contract shall be a security regulated by the secretary of state for the protection of Missouri investors".

Representative Hosmer moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 028

Barry 100 Bartle Blunt Boucher Campbell  
Clayton Fraser Gibbons Hegeman Hendrickson  
Hilgemann Holand Hosmer Kelly 27 Lawson  
Legan May 108 McLuckie Relford Reynolds  
Richardson Scheve Schilling Smith Van Zandt  
Williams 121 Wilson Mr. Speaker

NOES: 114

Abel Akin Alter Auer Backer  
Ballard Barnett Bennett Berkowitz Berkstresser  
Black Boatright Bonner Boykins Britt  
Burton Carter Champion Chrismer Cierpiot  
Crawford Crump Daniel Davis 122 Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Froelker  
Gambaro Gaskill Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hickey  
Hollingsworth Hoppe Howerton Kasten Kelley 47  
Kennedy King Klindt Koller Kreider  
Lakin Leake Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble McBride McKenna Merideth Miller  
Monaco Murray Myers O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pryor  
Purgason Ransdall Reid Reinhart Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Schwab Secrest Seigfreid Selby Shelton  
Shields Skaggs Stokan Summers Thompson 37  
Thompson 72 Townley Troupe Tudor Vogel  
Ward Wiggins Williams 159 Wright



PRESENT: 000

ABSENT WITH LEAVE: 019

Bartelsmeyer Bray 84 Davis 63 Days Franklin

George Harlan Hohulin Kissell Mays 50

McClelland Murphy Naeger Nordwald Pouche

Scott Surface Treadway Wagner

VACANCIES: 002

On motion of Representative Liese, **House Amendment No. 1** was adopted.

Representative Dougherty offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "95.530,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the number "95.530,"; and

Further amend said bill, Page 1, Section A, Lines 3 and 4, by deleting the word "thirty-four" and inserting in lieu thereof the word "thirty-five"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting immediately before the number "143.471," the number "95.530,"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after all of said line the following:

"95.530. In all cities not within a county, the mayor, the comptroller and the treasurer shall constitute the funds committee, and the treasurer, by virtue of his office, shall serve as chairman of such committee. The committee shall annually select a bank or banks, or trust company or trust companies, or credit union or credit unions, savings and loan or savings and loans, which has its principal place of business in Missouri referred to hereafter as "listed institutions", for the current deposit of the city's funds, which in their opinion will be most commensurate with the safety thereof. The treasurer, as chairman, shall supervise the business of the committee and maintain records of committee proceedings, and shall call annual meetings or any other meeting as often as the business of the city may require. The treasurer shall be a member of any financial planning or decision making body or committee furthering the needs of the city's financial business, except the legislative and appropriating bodies. The treasurer, by virtue of his office, shall sit on any committee or group which deals with the issuance of bonds of the city or any agency or instrumentality thereof. The treasurer shall serve as the chief investment and cash management officer of the city and, as such, act as the sole investment authority on any investments of public funds held by the city or any instrumentality thereof, including funds derived from proceeds from the issuance of bonds and funds from proceeds from lease/purchase agreements. Such investments shall be made in a manner consistent with investment policies approved by the funds commission, and with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital and income to be derived. The treasurer shall ensure the safety of all funds held by the city or any instrumentalities thereof and, upon the approval of the funds commission and reasonable notice, may assume control of any accounts not managed in compliance with state law, serve as the custodian of any funds held in such accounts and take any other measures reasonably required to ensure the preservation of public funds and compliance with applicable law. The funds commission, also known as the "funds committee", shall approve all financial institutions for any banking services required by the city pursuant to investment policies and evaluation criteria set by the treasurer and approved by the funds commission. At least once per year, the treasurer and the city's external auditors shall report to the comptroller on the city's compliance with this section. Any state or municipally created agency [or], city-wide elected officials **or any instrumentality thereof** working in cooperation with the city in the collection, management, investment or disbursement of governmental funds, shall annually report a listing of all listed institutions accounts, including a list of all pledged collateral, to the fund committee. **Any financial institution acting as a depository or custodian of public funds for any state or municipally created agency, city-wide elected official or any instrumentality thereof working in the collection, management, investment or disbursement of governmental funds shall annually report to the funds committee.** Such agencies, elected officials and [agencies] **instrumentalities** shall, during the interim period, report any change or transfer or establishment of new accounts or changes in collateral to the fund committee within ten days of doing so. **Financial institutions, when requested by the funds committee, shall verify such information.** Before any deposit shall be made by the treasurer in any listed institution, the institution shall give a bond in an amount equal to the deposit, with good and sufficient sureties, to be approved by the

unanimous vote of the members of the funds committee, for the safekeeping and prompt payment of such funds, or any part thereof, when demanded by the treasurer, and shall at all times keep the sureties on such bond satisfactory to the funds committee. In lieu of or in addition to such bond, listed institutions may, with the unanimous consent of the members of the funds committee, deposit with the treasurer of such city or with some other mutually satisfactory depository in such city, in escrow, bonds or treasury certificates of the United States or other interest-bearing obligations guaranteed as to both principal and interest by the United States or agency or instrumentality thereof in accordance with the approved collateral securities maintained and approved by the state treasurer, or bonds of the state of Missouri or of any city not within a county, of a par value equal to the amount of such deposit, or any part of such deposit not protected by such bond. The securities so deposited shall, in case of default by any such listed institution, be taken possession of by the funds committee, and to the extent required to make good such default, be sold for the benefit of such city. Any securities so deposited may, with the unanimous consent of the members of the funds committee, be withdrawn, and others of equal value and amount substituted therefor. As the amount of such funds on deposit is reduced, listed institutions, when not in default, shall be permitted to withdraw the excess of collateral, except that there shall at no time be a less amount in par value of collateral than the amount at such time of deposits. The securities so deposited or any substitute therefor, shall, upon default, be exhausted before recourse shall be had against the securities upon any bond executed by listed institutions for the protection of such deposits. In lieu of or in addition to such deposit of city funds in listed institutions, the treasurer may invest funds belonging to such city and not immediately needed for the purpose to which such funds or any of them may be applicable, in [obligations of the United States government or any agency or instrumentality thereof, or bonds of the state of Missouri, any city not within a county, or time certificates of deposit, except that no such bonds or treasury certificates of the United States or bonds of the state of Missouri, any city not within a county, or time certificates of deposit shall be purchased by the treasurer at any time at a price in excess of the par value thereof] **accordance with section 15, article IV of the Missouri Constitution**. In addition, the treasurer may enter into repurchase agreements maturing and becoming payable within ninety days secured by United States Treasury obligations or obligations of the United States government agencies or instrumentalities of any maturity as provided by law."

Representative Liese offered **House Amendment No. 1 to House Amendment No. 2**.

*House Amendment No. 1*

to

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 4, Section 95.530, Line 7, by inserting immediately after the word "funds" the following:

**"for a city located not within a county".**

On motion of Representative Liese, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Dougherty, **House Amendment No. 2, as amended**, was adopted.

Representative Troupe offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Section 1, by inserting after all of said line the following:

**"Section 2. Prior to implementing any plan to allow state lottery prize winners who are currently receiving annuity payments to receive a single cash payment in lieu of remaining annuity payments, the state lottery commission shall submit to the president pro tempore of the senate, the speaker of the house of representatives, and the commissioner of the office of administration the details of the plan and its estimated effect on the level of total state revenues as defined in article X, section 17 of the Missouri constitution as well as the benefits of allowing financial institutions which are FDIC-insured to participate in such plan. No such plan which permits the option of receiving a single cash payment in lieu of remaining annuity payments shall be implemented unless approved by the general assembly by concurrent resolution and submitted to the governor in accordance with the provisions of article IV, section 8 of the Missouri constitution.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Troupe, **House Amendment No. 3** was adopted.

**HCS SCS SB 386, as amended**, was laid over.

## **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 20** - Accounts, Operations, and Finance

## **COMMITTEE REPORTS**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 371**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Motor Vehicle and Traffic Regulations**, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SCS SBs 392, 393 & 267**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HR 1168**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## House Resolution No. 1168

WHEREAS, the availability of affordable health insurance plays a major role in a person's decision to retire; and

WHEREAS, currently, the premium for health insurance for retirees of the Missouri State Employees' Retirement System is subsidized by the state at a rate of thirty-four percent; and

WHEREAS, of the twenty-one thousand Missouri State Employees' Retirement System retirees, eight thousand have health care coverage through the Missouri Consolidated Health Care Plan while other retirees have let their Missouri Consolidated Health Care coverage lapse because they cannot afford the premiums; and

WHEREAS, the older retirees, particularly those retirees with a lower average salary, bear a greater burden of their health insurance costs than active employees or younger retirees; and

WHEREAS, it is possible that a more vigorous system of health care contributions for state employees could fit in with the goals of the Governor's Ad Hoc Task Force on Total Compensation by making it easier for employees to take advantage of early retirement through the eighty-and-out provision:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House or Representatives of the Ninetieth General Assembly, First Regular Session, that a House interim committee on health care contributions for state employees be created to study the issue of health care insurance contributions and to make a report to the House of Representatives; and

BE IT FURTHER RESOLVED that the committee be comprised of five members to be appointed by the Speaker of the House of Representatives, with two members from the Democratic Party, two members from the Republican Party, and one member who is an independent; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staff of House Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and



BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Speaker of the House by December 15, 1999.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SCR 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS SB 310, as amended**, and has taken up and passed **CCS HS SB 310**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the differences on **HS HCS SS SCS SB 338, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HS HB 162**, entitled:

An act to repeal sections 288.038, 288.040 and 288.126, RSMo Supp. 1998, relating to unemployment insurance, and to enact in lieu thereof three new sections relating to the same subject.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND House Substitute for House Bill No. 162, Page 8, Section 288.040, Line 164, by inserting after all of said line the following:

**"288.041. Individuals whose services are not defined as employment pursuant to subsection 8 of section 288.034 or whose services are excluded from the term "employment" in subdivision (1) or (2) of subsection 9 of section 288.034 shall be provided a written notice by the employing unit that wages earned by the individual for services performed for this employing unit will not be used to determine insured worker status for unemployment benefits. Such notice shall be provided to each individual:**

- (1) At the time of initial employment, for all initial employments occurring on or after August 28, 1999;**
- (2) Upon the change in status of the employing unit's liability pursuant to this chapter;**
- (3) For all individuals employed by such employing unit as of August 28, 1999, within thirty days of August 28, 1999.";**  
and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 779**, entitled:

An act to repeal section 71.270, RSMo 1994, relating to vacation of certain streets and easements, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report #2 on **HS HCS SB 291, as amended**, and has taken up and passed **CCS#2 HS HCS SB 291**.



Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 139**, entitled:

An act relating to taxation for tourism, with an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 1, In the Title, Line 2, by striking out all of said line 2 and inserting in lieu thereof the following: "Relating to taxation, with an emergency clause for certain sections."; and

Further amend said bill, Page 5, Section 9, Line 23, by inserting immediately after the end of said line 23 the following:

**"Section 10. 1. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and from the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and under any local sales tax law, as defined in section 32.085, RSMo, any equipment purchased by a federally licensed commercial or public broadcast station when such equipment purchase is made as a result of federal mandate and the technological change that results. This exemption does not apply to replacement of equipment necessitated by a result of use or equipment replaced due to damage or theft.**

**2. As used in this section, the following terms mean:**

- (1) "Broadcast equipment", such equipment as may be necessary for the broadcast station to fulfill those obligations as set forth under federal guidelines;**
- (2) "Federal mandate", any action of the congress of the United States or any federal regulatory agency having jurisdiction with regard to broadcast stations when such action requires broadcasters to alter methods of operation;**
- (3) "Federally licensed broadcast station", any enterprise, either commercial or non-commercial, which operates under a license granted by the Federal Communications Commission for the purpose of the free distribution of audio and/or video services when such distribution occurs by means of transmission over the public airwaves;**
- (4) "Technological change", those changes in the design and methods of operation of broadcast equipment which would, by virtue of these changes, require the implementation and/or installation of replacement equipment and the updating of existing equipment."**

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 1, Section Title, Line 1, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 144.605, RSMo 1994, relating to taxation, and to enact in lieu thereof

ten new section relating to the same subject, with an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"Section A. Section 144.605, RSMo 1994, is repealed and ten new sections enacted in lieu thereof, to be known as sections 144.605, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:

144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

- (1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;**
- (2) "Engages in business activities within this state" includes:**

- (a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or
- (b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or
- (c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax [under] **pursuant to** sections 144.010 to 144.525; or
- (d) Soliciting sales or taking orders by sales agents or traveling representatives;
- (3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;
- (4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;
- (5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;
- (6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;
- (7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;
- (8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable [under] **pursuant to** sections 144.600 to 144.745. In determining the amount of tax due [under] **pursuant to** sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;
- (9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed [under] **pursuant to** sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;
- (10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor [for any purpose], except **property for sale** or **property that is temporarily kept or retained in this state for** subsequent use [solely] outside the state;
- (11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;
- (12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;
- (13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include **the temporary storage of property in this state for subsequent use outside the state**, or the sale of the property in the regular course of business;
- (14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:



(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state."

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Pages 2-4, Sections 2-8, by striking all of said sections; and further amend by renumbering the remaining section accordingly; and

Further amend said bill, Page 5, Section A, Line 2, by striking the following: "1 to 9" and inserting in lieu thereof the following: "1 and 2"; and further amend line 5, by striking the following: "1 to 9" and inserting in lieu thereof the following: "1 and 2".

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 1, Section Title, Line 1, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 144.190, RSMo 1994, relating to taxation, and to enact in lieu thereof

ten new section relating to the same subject, with an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"Section A. Section 144.190, RSMo 1994, is repealed and ten new sections enacted in lieu thereof, to be known as sections 144.190, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax [under] **pursuant to** sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, [his] **such person's** administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax [under] **pursuant to** sections 144.010 to 144.510, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing under oath, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon [his] **the director's** record.

4. Notwithstanding the provisions of this section, the director of revenue shall authorize direct pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct pay agreements, the taxes authorized [under] **pursuant to** chapters 66, RSMo, 67, RSMo, 92, RSMo, and 94, RSMo, shall be remitted based upon the location of the place of business of the purchaser. [The deduction allowed in section 144.140 shall not be allowed to any person who is qualified to receive and has received the direct payment authorization as provided by this subsection.]".

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 5, Section 9, Line 23, by inserting after all of said line the following:

"**Section 10. 1. To promote tourism by maintaining the quality of the waters of the state, the governing body of any county containing part of a corp of engineer lake may impose, by ordinance or order, a sales tax in the amount of up to one-fourth of one percent on all retail sales made in such county which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities, and the governing body of any county, in conjunction with the imposition of any sales tax pursuant to this subsection, may have the option to issue bonds to preliminary fund the provision of improved treatment of wastewater and water pollution abatement as specified in this subsection. The**

tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; except that, no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax. In addition, a county shall only be authorized to issue bonds in conjunction with any sales tax imposed pursuant to this section after the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to issue bonds. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years; provided that, if sales tax is imposed pursuant to this section in conjunction with the issuance of bonds, the sales tax shall expire upon full repayment of all bonds issued.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to impose the tax authorized by this section, authorization to issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement as specified in subsection 1 of this section, obligates the county to repay all bonds issued from the proceeds of the tax authorized by this section and requires the expiration of the tax upon the repayment of all such bonds, the ballot shall contain substantially the following:

Shall the county of .....(county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing improvement treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county, issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement, repay all bonds issued from the proceeds of the tax imposed and terminate such tax upon the repayment of all such bonds?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effective on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Wastewater Treatment Sales Tax Trust Fund". The moneys in the local wastewater treatment sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in



each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the local wastewater treatment sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any purposes authorized pursuant to subsection 2 of this section in the ordinance or order adopted by the governing body submitting the local wastewater treatment tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

8. All provisions of chapter 108, RSMo shall apply to any bonds issued pursuant to this section.

9. For purposes of this section, the term "wastewater treatment and water pollution abatement" is limited to the following:

- (1) Establishment of new wastewater treatment facilities or expansion or other improvement to existing wastewater treatment facilities;
- (2) Elimination or reduction of the release of water pollutants affecting waters of the state located in the county; and
- (3) Use of funds as matching funds for grants or loans from the clean water commission pursuant to chapter 644, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 5, Section 9, Line 23, by inserting after all of said line the following:

**"Section 10. 2. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.";** and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HB 450**, entitled:

An act to repeal sections 8.380, 8.420, 249.645, 278.220, 278.240, 278.245, 278.250, 278.280, 278.290, 278.300, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 204.300, 247.030, 247.040, 644.031 and 644.509, RSMo Supp. 1998, and to enact in lieu thereof forty-seven new sections relating to public infrastructure, with an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4 and Senate

Amendment No. 5.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 7, Section 66.405, Line 14 , by inserting after all of said line the following:

"70.240. The parties to such contract or cooperative action or any of them, **or any joint board or commission formed pursuant to section 70.260 for the purpose of providing water or sewer services**, may acquire, by gift or purchase, or by the power of eminent domain exercised by one or more of the parties thereto in the same manner as now or hereafter provided for corporations created under the law of this state for public use, chapter 523, RSMo, and amendments thereto, **or any joint board or commission formed pursuant to section 70.260 for the purpose of providing water or sewer services**, the lands necessary or useful for the joint use of the parties for the purposes provided in section 70.220 **or section 70.260**, either within or without the corporate or territorial limits of one or more of the contracting parties, and shall have the power to hold or acquire said lands as tenants in common **with the parties to such contract or in the name of any joint board or commission formed pursuant to section 70.260**; provided however, in no event shall any joint board or commission formed pursuant to section 70.260 for the purpose of providing water or sewer services exercise the power of eminent domain within the corporate or territorial limits of one of the contracting parties without such party's consent."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 11, Section 91.055, Line 13, by inserting after all of said line the following:

"116.170. **1.** After the general assembly adopts a joint resolution proposing a constitutional amendment or a bill which is to be referred to a vote of the people and it has been delivered to the state auditor, the state auditor shall, within thirty days, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

**2. When the resolution authorizes the issuance of bonds or other forms of indebtedness, the fiscal note summary shall indicate the full cost of such indebtedness, including retirement costs of such bonds."**; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 21, Section 249.040, Line 24, by inserting after all of said line the following:

"249.470. The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, **except that whenever the commission of a county of the first classification without a charter form of government deems that a county-wide wastewater treatment authority would best serve the needs of such county, the commission may establish a county-wide sewer district which shall be subject to the provisions of sections 249.430 to 249.660.** The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, **except as otherwise provided in this section**, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No.4*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Pages 23-24, Section 278.200, by striking all of said section; and

Further amend said bill, Pages 24-27, Section 278.240, by striking all of said section; and

Further amend said bill, Pages 27-28, Section 278.245, by striking all of said section; and

Further amend said bill, Pages 28-32, Section 278.250, by striking all of said section; and

Further amend said bill, Pages 32-36, Section 278.280, by striking all of said section; and

Further amend said bill, Pages 36-37, Section 278.290, by striking all of said section; and

Further amend said bill, Page 38, Section 278.300, by striking all of said section; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 11, Section 204.300, Line 13 of said page, by inserting immediately after said line the following:

"245.060. Within thirty days after any levee district shall have been organized and incorporated under the provisions of section 245.025 the circuit clerk of the court organizing said district shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situate, the last insertion to be at least ten days before the day of such meeting, call a meeting of the owners of real estate or other property situate in said district, **including the authorized representative of any corporation which owns real estate or other property situate in said district**, at a day and hour specified in some public place in the county in which the district was organized, for the purpose of electing a board of five supervisors, to be composed of owners of real estate in said district, **which may include the authorized representative of any corporation which owns real estate or other property in said district**, two of whom at least shall be residents of the county or counties in which said district is situate, or some adjoining counties; the landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; at such election each and every acre of land and each and every mile of right-of-way of every corporation owning a franchise in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy for every acre of land or mile of right-of-way owned by him in such district, and the five persons receiving the highest number of votes shall be declared elected as supervisors; and said supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two, three, four and five years, and they shall serve until their successors shall have been elected and qualified; provided, that if the levee district be located within a third or fourth class city of this state, or within any city in this state under fifty thousand population operating under a special charter then the owner of each lot, tract, parcel or subdivision thereof, as set forth in the final decree of the court creating and incorporating said levee district, shall be entitled to one vote, in person or by proxy, for each lot, tract, parcel or subdivision thereof, owned by him."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 401**, entitled:

An act to amend chapters 162, 170, 191 and 376, RSMo, by adding thereto twelve new sections relating to programs for the disabled.

With Senate Amendment No. 1, Senate Amendment No. 3 and Senate Amendment No. 5.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 401, Page 10, Section 376.685, Line 17, by inserting immediately after the word "policy" as it first appears on said line, the following: ", **short-term major medical policies of six months or less duration**,".

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 401, Page 6, Section 191.253, Lines 8-9, by deleting said lines and inserting in lieu thereof the following:

**"provisions of section 191.250, as necessary to assure appropriate and timely diagnosis of hearing loss, delivery of amplification, and referral for early intervention services. Such standards and procedures shall include:"**; and



Further amend said bill, page 9, Section 376.685, lines 8-10, by deleting said lines and inserting in lieu thereof the following:

**"in this state shall provide coverage for newborn hearing screening, necessary rescreening, audiological assessment and follow-up, and initial amplification."**

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Bill No. 401, Page 9, Section 191.265, Line 8-10, by striking all of said lines, and inserting in lieu thereof the following:

2. **"Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 191.250 to 191.265 or Section 376.685, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 18, as amended**, and has taken up and passed **CCS HB 18**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HB 19, as amended**, and has taken up and passed **HB 19, as amended** by **SCA 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 65, as amended**, and grants the House a conference thereon and further that the Senate conferees are allowed to exceed the differences to the extent necessary to add or delete language in HS HCS SCS SBs 308 & 314, as amended.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HB 65, as amended**: Senators Scott, Mathewson, Staples, Mueller and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS#2 SB 288, as amended**: Senators Quick, Johnson, Scott, Mueller and Klarich.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SS SCS HB 65**: Representatives O'Toole, Skaggs, Hagan-Harrell, Elliott and Legan

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 219**



Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 219, with House Amendments Nos. 1, 4, 5, as amended, 6, 7, 8, 9 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 219, as amended;
2. That the Senate recede from its position on Senate Bill No. 219; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 219, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Joan Bray /s/ Harold Caskey

/s/ Tim VanZandt /s/ John Scott

/s/ Marsha Campbell /s/ James Mathewson

/s/ Todd Akin /s/ David Klarich

/s/ Daniel Hegeman /s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT NO. 2**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 291**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 291;
2. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 291 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Pat Dougherty /s/ Harold L. Caskey

/s/ Ralph Monaco /s/ Ed Quick

/s/ Catherine Hanaway /s/ Jim Mathewson

/s/ Marsha Campbell /s/ Betty Sims

/s/ Roseann Bentley

**CONFERENCE COMMITTEE REPORT**

**ON**

## **HOUSE SUBSTITUTE**

### **FOR**

### **SENATE BILL NO. 310**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for Senate Bill No. 310, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7 and 8; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 310, as amended;
2. That the Senate recede from its position on Senate Bill No. 310; and
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 310, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sam Leake /s/ Joe Maxwell

/s/ Marilyn Williams /s/ Sidney Johnson

/s/ Gary Wiggins /s/ Danny Staples

/s/ David Klindt /s/ Sarah Steelman

/s/ Daniel Hegeman /s/ Morris Westfall

## **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 11:00 a.m., Monday, May 10, 1999.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-fifth Day, Thursday, May 6, 1999, pages 1804 and 1805, roll call, by showing Representatives Luetkenhaus and Parker voting "aye" rather than "absent with leave".

Pages 1804 and 1805, roll call, by showing Representative Dolan voting "no" rather than "aye".

Pages 1805 and 1806, roll call, by showing Representatives Abel and Gratz voting "aye" rather than "absent with leave".

Pages 1806 and 1807, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Page 1807, roll call, by showing Representatives Akin, Champion, Dolan and Secrest voting "no" rather than "absent with leave".

Page 1808, roll call, by showing Representatives Akin, Kelly (27) and Luetkemeyer voting "aye" rather than "absent with leave".

Pages 1808 and 1809, roll call, by showing Representatives Akin and Parker voting "aye" rather than "absent with leave".

Pages 1809 and 1810, roll call, by showing Representatives Akin, Chrismer, Luetkenhaus and Parker voting "aye" rather than "absent with leave".

Pages 1810 and 1811, roll call, by showing Representatives Akin and Parker voting "aye" rather than "absent with leave".

Page 1813, roll call, by showing Representatives Akin, Bartelsmeyer, Luetkenhaus and Parker voting "aye" rather than "absent with leave".

Pages 1815 and 1816, roll call, by showing Representatives Black, Dolan, Fitzwater, Hegeman, Howerton, Loudon, Luetkemeyer, Parker, and Pouche, voting "aye" rather than "absent with leave".

Page 1817, roll call, by showing Representative Franklin voting "no" rather than "absent with leave".

Page 1817, roll call, by showing Representative Secrest voting "aye" rather than "absent with leave".

Page 1818, roll call, by showing Representative Chrismer voting "aye" rather than "absent with leave".

Page 1820, roll call, by showing Representative Davis (63) voting "no" rather than "absent with leave".

Page 1821, roll call, by showing Representatives Hegeman, Kelley (47), Klindt and Summers voting "aye" rather than "absent with leave".

Pages 1823 and 1824, roll call, by showing Representatives Carter, Froelker, Hegeman, Kelley (47), Klindt, Pouche and Summers voting "aye" rather than "absent with leave".

Page 1828, roll call, by showing Representatives Bartelsmeyer and Kelley (47) voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **FISCAL REVIEW**

Monday, May 10, 1999, 10:30 am. North side gallery. Executive session.

To be considered - SB 19

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Wednesday, May 12, 1999. Senate Lounge upon evening adjournment.

Dept. of Elementary and Secondary Education. 5 CSR 80-805.015

### **JOINT COMMITTEE ON CAPITAL IMPROVEMENTS**

Tuesday, May 11, 1999, 8:00 am. Hearing Room 6.

## **HOUSE CALENDAR**

SIXTY-SEVENTH DAY, MONDAY, MAY 10, 1999

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway  
3 HCS HB 456 - Fitzwater  
4 HB 856 - Ford  
5 HCS HB 640 - Campbell  
6 HCS HB 354 - Barry  
7 HCS HB 709 - Leake  
8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 351 & 295, HS, as amended, pending - Scheve  
2 HCS HB 643, 710 & 711 - Bray  
3 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo



## **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCS SCS SCR 15, (4-29-99, pg. 1633) - McBride

2 SCR 19, (5-5-99, pg. 1750) - Monaco

## **SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 346 - Days

2 HCS SB 20 - Schilling

3 HCS SS SCS SB 14, 60 & 69 - Bray

4 HCS SCS SB 61 - Hoppe

5 HCS SS SCS SB 335 - Parker

6 HCS SS SCS SB 160 & 82, E.C., (Fiscal Review 5-3-99) - Hoppe

7 HCS SS SB 373 - Crump

8 SCS SB 498 - O'Connor

9 HCS SCS SB 386, as amended, E.C. - Liese

10 HCS SB 518 - Rizzo

11 HCS SS SCS SB 1, 92, 111, 129 & 222, (Fiscal Review 5-4-99) - May (108)

12 HCS SCS SB 387, 206 & 131, (Fiscal Review 5-4-99) - Gunn

13 SCS SB 211 - Riback Wilson

14 SS SCS SB 19, HCA 1, E.C. (Fiscal Review 5-5-99) - Koller

15 HCS SS SB 289 - Days

16 HCS SCS SB 394 - Hoppe

17 SCS SB 325, HCA 1 - Treadway

18 HCS SB 371 - Hosmer

## **SENATE BILLS FOR THIRD READING - INFORMAL**

1 HCS SS#2 SB 163 - Kelly (27)

2 SB 4 - Thompson (37)

3 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)

## **HOUSE BILLS WITH SENATE AMENDMENTS**

1 HB 261, SA 1 - Auer

2 SS#3 SCS HS HCS HB 427, 40, 196 & 404 - Luetkenhaus

3 SCS HB 779 - Skaggs

4 SCS HB 401, as amended - Barry

5 SS SCS HS HB 450, as amended, E.C. - Relford

6 HS HB 162, SA 1 - Luetkenhaus

7 SCS HCS HB 139, as amended, E.C. - Long

## **BILLS CARRYING REQUEST MESSAGES**

1 SS SCS HCS HB 888, as amended, E.C. (req. Senate rec./grant conf.) - Leake

2 HCS SCS SB 31 & 285, as amended,

(House refuse to adopt CCR/or grant further confer.) - Seigfreid

## **BILLS IN CONFERENCE**

- 1 HS HCS SCS SB 436, as amended - Hoppe
- 2 CCR HCS SB 219, as amended - Bray
- 3 CCR#2 HS HCS SB 291, as amended, E.C. - Dougherty
- 4 CCR HS SB 310, as amended - Leake
- 5 HS HCS SS SCS SB 338, as amended - Harlan
- 6 HCS SS#2 SB 288, as amended - McLuckie
- 7 HS HCS SCS SB 8 & 173, as amended - Ladd Stokan
- 8 SB 76, HAs 1, 2, 3 & 4 - Shelton
- 9 SS SCS HB 65, as amended, E.C. - O'Toole

## **HOUSE RESOLUTION**

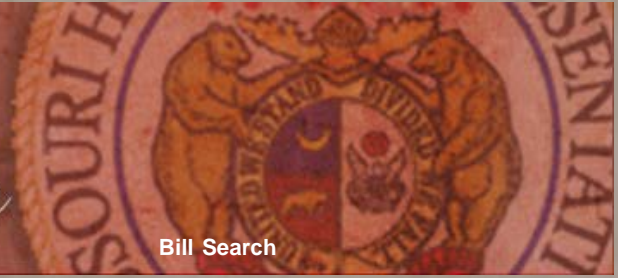
HR 1168 - Hagan-Harrell



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

SIXTY-SEVENTH DAY, Monday, May 10, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Sam Berkowitz.

Heavenly Father, grant perfect peace to our people and their leaders, to our teachers and their disciples, to all of us here who work so hard to better the people of Missouri, here in this wonderful country and in all other lands. Let there be grace and kindness, compassion and love for them and for us all. Grant us fullness of life and sustenance; save us from all danger and evil. Baruch atau adonai elohanu melach haolam, blessed are You, O Sovereign our God, ruler of the universe. You are the fountain of all life, Your light illuminates our lives. Bestow loving kindness upon those who love You, and Your righteousness upon the truly upright. This day and every day, O Lord, may we find grace, love and wisdom in Your sight and in the sight of all who look upon us. Grant us a full measure of kindness. And let us say. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Matthew Cox, Shannon Etling, Ashlee Bond, Travis Gann, Katie Page, J.T. Mueller, Stephen McKinney, Lauren Scally, Jessica Cooper, Sarah Mason, Hannah Mason, Seth Mason, Gabrielle McNeil and Nicole Thompson.

Speaker Gaw assumed the Chair.

The Journal of the sixty-sixth day was approved as corrected.

### HOUSE RESOLUTION OFFERED

House Resolution No. 1366 - Representatives Troupe, Carter, Days, Shelton, Riley and Boykins

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1353 through House Resolution No. 1356 - Representative Gunn

House Resolution No. 1357 - Representative Secrest

House Resolution No. 1358 - Representative Murray

House Resolution No. 1359 and House Resolution No. 1360 - Representative Legan

House Resolution No. 1361 through House Resolution No. 1363 - Representative Pryor

House Resolution No. 1364 - Representative Gaw

House Resolution No. 1365 - Representative Legan  
House Resolution No. 1367 - Representative Pouche  
House Resolution No. 1368 and House Resolution No. 1369 - Representative Hartzler (124)  
House Resolution No. 1370 - Representative Days  
House Resolution No. 1371 - Representative McLuckie  
House Resolution No. 1372 - Representative Naeger  
House Resolution No. 1373 through House Resolution No. 1386 - Representative Cierpiot  
House Resolution No. 1387 through House Resolution No. 1423 - Representative Levin

#### **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS SB 19, (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 387, 206 & 131, (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **BILL IN CONFERENCE**

**CCR HS SB 310, as amended**, relating to the Ethanol Producer Incentive Fund, was taken up by Representative Leake.

On motion of Representative Leake, **CCR HS SB 310, as amended**, was adopted by the following vote:

AYES: 159

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble



May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 001

Green

VACANCIES: 002

On motion of Representative Leake, **CCS HS SB 310** was truly agreed to and finally passed by the following vote:

AYES: 156

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 004

Backer Foley Green Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HB 401, as amended**, relating to screening for hearing loss in newborns, was taken up by Representative Barry.

On motion of Representative Barry, **SCS HB 401, as amended**, was adopted by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Ridgeway Riley Rizzo

Roberts Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 003

Howerton Linton Treadway

VACANCIES: 002

Representative Marble moved that **SCS HB 401, as amended**, be referred to the Committee on Fiscal Review.

Which motion was adopted by the following vote:

AYES: 087

Akin Alter Backer Ballard Barnett

Bartelsmeyer Bartle Bennett Berkstresser Black

Blunt Boatright Bray 84 Burton Campbell

Champion Chrismer Cierpiot Crawford Dolan

Elliott Enz Evans Foster Franklin

Froelker Gaskill Gibbons Graham 106 Griesheimer

Gross Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hilgemann Hohulin Holand Howerton

Kasten Kelley 47 King Klindt Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Marble McClelland Merideth

Miller Murphy Myers Naeger Nordwald

Ostmann Patek Pouche Pryor Purgason

Reid Reinhart Richardson Ridgeway Robirds

Ross Sallee Schilling Schwab Scott

Secrest Shelton Shields Summers Surface

Townley Tudor Van Zandt Vogel Wiggins

Wilson Wright

NOES: 072

Abel Auer Barry 100 Berkowitz Bonner

Boucher Boykins Britt Clayton Crump

Daniel Davis 122 Davis 63 Days Dougherty

Farnen Fitzwater Foley Ford Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hollingsworth Hosmer Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Luetkenhaus May 108 Mays 50 McBride McKenna

McLuckie Monaco Murray O'Connor O'Toole

Overschmidt Parker Ransdall Relford Reynolds

Riley Rizzo Scheve Seigfreid Selby



Skaggs Smith Stokan Thompson 37 Thompson 72

Treadway Troupe Wagner Ward Williams 121

Williams 159 Mr. Speaker

PRESENT: 001

Carter

ABSENT WITH LEAVE: 001

Hoppe

VACANCIES: 002

**SS SCS HS HB 450, as amended**, relating to water pollution control bonds, was taken up by Representative Relford.

Representative Relford moved that the House refuse to adopt **SS SCS HS HB 450, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 139, as amended**, relating to tourism tax, was taken up by Representative Long.

Representative Long moved that the House refuse to adopt **SCS HCS HB 139, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference and the conferees be allowed to exceed the differences on Senate Amendment No. 6.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 346**, relating to elections, was placed on the Informal Calendar.

**HCS SS SCS SBs 14, 60 & 69**, relating to tax relief for senior citizens, was placed on the Informal Calendar.

**HCS SCS SB 386, as amended**, relating to banking, was taken up by Representative Liese.

Representative Liese offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 15, Section 374.070, Lines 7 and 8, by deleting the brackets from said lines.

On motion of Representative Liese, **House Amendment No. 4** was adopted.

Representative Fitzwater offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 4, Section 143.171, Line 99, by adding after all of said line the following:

"164.161. [1. ] The loans authorized by sections 164.121 to 164.141 shall not be contracted for a longer period than twenty years, and the entire amount of the loans shall at no time exceed, including the present indebtedness of the district, [in] the **maximum** aggregate [ten percent] **percentage, as set forth in Article VI, Section 26(b) of the Missouri Constitution**, of the value of taxable tangible property therein as shown by the last completed assessment for state and county purposes. The rate of interest upon the bonds shall, in no case, exceed the highest legal rate allowed by contract. Before or at the time of issuing the bonds, the board of directors shall provide for the collection of an annual tax sufficient to pay the interest and principal of the bonds as they fall due, and to retire them within twenty years from date contracted.

[2. Bonds of an urban district shall be disposed of at the best price obtainable, not less than ninety-five percent of the par value thereof.]

165.051. If any school district has money in the teachers', incidental, capital projects or debt service fund not needed within a reasonable period of time for the purpose for which the money was received, the school board in the district, if it deems it advisable, may invest the funds in either open time deposits or certificates of deposit secured under the provisions of sections 110.010 and 110.020, RSMo; or in bonds, redeemable at maturity at par, of the state of Missouri, of the United States, or of any wholly owned corporation of the United States; or in other short term obligations of the United States, [including] **or in** any instrument permitted by law for the investment of state moneys. No open time deposits shall be made or bonds purchased to mature beyond the date that the funds are needed for the purpose for which they were received by the school district. Interest accruing from the investment of the surplus funds in such deposits or bonds shall be credited to the fund from which the money was invested."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Fitzwater, **House Amendment No. 5** was adopted.

Representative Kennedy offered **House Amendment No. 6**.

**House Amendment No. 6** was withdrawn

Representative Pryor offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 1, In the Title, Line 4, by inserting after the number "400.3-312," the number "443.851,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "400.3-312," the number "443.851,"; and

Further amend said bill, Page 1, Section A, Lines 3 and 4, by deleting the word "thirty-four" and inserting in lieu thereof the word "thirty-five"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after the number "427.200," the number "443.851,"; and

Further amend said bill, Page 21, Section 427.200, Line 8, by inserting after all of said line the following:

"443.851. 1. At the end of the licensee's fiscal year, but in no case more than twelve months after the last audit conducted pursuant to this section and section 443.853, each residential mortgage licensee shall cause the licensee's books and accounts to be audited by a certified public accountant not connected with such licensee. The books and records of all persons licensed pursuant to sections 443.800 to 443.893 shall be maintained on an accrual basis. The audit shall be sufficiently comprehensive in scope to permit the expression of an opinion on the financial statements in the report and must be performed in accordance with generally accepted accounting principles and generally accepted auditing standards.

2. As used in this section and section 443.853, the term "expression of opinion" includes either:

- (1) An unqualified opinion;
- (2) A qualified opinion;
- (3) A disclaimer of opinion; or
- (4) An adverse opinion.

3. If a qualified or adverse opinion is expressed or if an opinion is disclaimed, the reasons therefor shall be fully explained. An opinion, qualified as to a scope limitation, shall not be acceptable.

4. The audit report shall be filed with the director within one hundred twenty days of the audit date. The report filed with the

director shall be certified by the certified public accountant conducting the audit. The director may promulgate rules regarding late audit reports.

**5. A licensee may meet the requirements of this section without filing an audit report by posting and maintaining a bond in an amount, in excess of the amount specified in section 443.849, which is prescribed by the director through rules designed to adequately protect members of the public who are transacting business with the licensee."**

Representative Pryor moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative May (108) offered **House Amendment No. 7**.

Representative Scott raised a point of order that **House Amendment No. 7** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Lograsso offered **House Amendment No. 7**.

**House Amendment No. 7** was withdrawn.

Representative Gunn offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, by repealing Sections 375.1205, 375.1220, 379.316, 379.321, 379.425 and 379.888, and enacting in lieu thereof the following:

375.1205. 1. Within one year of a final [determination of insolvency] **order of liquidation** of an insurer by a court of competent jurisdiction of this state, the liquidator [may] **shall** make application to the court for approval of a proposal to [disburse assets out of marshaled assets, from time to time as such assets become available,] **make early access disbursements out of marshaled assets** to a guaranty association or foreign guaranty association having obligations because of such insolvency. [If the liquidator determines that there are insufficient assets to disburse, the application required by this section shall be considered satisfied by a filing by the liquidator stating the reasons for this determination.]

2. Such proposal shall at least include provisions for:

(1) Reserving amounts for the payment of expenses of administration and the payment of claims of secured creditors, to the extent of the value of the security held, and claims falling within [classes 1 and 2] **priority class I as** established in section 375.1218;

(2) **Initial** disbursement of the assets marshaled to date, **which shall be as soon as practicable and in any case not later than one hundred twenty days after the approval of the early access plan**, and subsequent disbursement of assets [as they become available] **which shall be at least annually**;

(3) [Equitable allocation of disbursements to each of the guaranty associations and foreign guaranty associations entitled thereto;

(4)] The securing by the liquidator from each of the guaranty associations or foreign guaranty associations entitled to disbursements pursuant to this section of an agreement to return to the liquidator such assets, together with income earned on assets previously disbursed, as may be required to pay claims of secured creditors and claims falling within the priorities established in [section] **sections 375.700 and 375.1218** in accordance with such priorities. [A] **No** bond or indemnity agreement shall be required of any such association; [and

(5)] **(4)** A full report to be made by each guaranty association or foreign guaranty association to the liquidator accounting for all assets so disbursed to the association, all disbursements made therefrom, any interest earned by the association on such assets and any other matter as the court may direct[.]; and

(5) Disbursements to guaranty associations in sums as large as possible, subject to the limitations set forth in subdivision (1) of this subsection and subsection 4 of this section. If the liquidator determines that there are insufficient assets to disburse at the time of any required disbursement, the liquidator shall make application to the court, with notice to the state insurance commissioners and guaranty associations pursuant to subsection 6 of this section, for approval of an intent not to disburse, stating the reasons for such determination.



3. [The liquidator's proposal may provide for disbursements to the guaranty association or foreign guaranty associations in amounts estimated at least equal to the claims payments made or to be made thereby for which such associations could successfully assert a claim against the liquidator, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such claim payments made or to be made by the association, then disbursements shall be in the amount of available assets.] **Subject only to the provisions of subdivision (4) of subsection 2 of this section, guaranty associations shall not be charged interest on assets disbursed pursuant to this section.**

**4. The liquidator's proposal shall provide for disbursements to each guaranty association of foreign guaranty associations in amounts at least equal to the sum of claims payments and allocated lost adjustment expenses of each guaranty association, and a reasonable estimate of reserves for unpaid but known loss claims and allocated loss adjustment expenses expected to be paid within one year by each guaranty association. Amounts used for such calculation shall be those reported to the liquidator by each guaranty association in its most recent financial report to the liquidator. The liquidator's proposal shall further provide that if the assets available for required disbursements do not equal or exceed the amount of such claim payments to be made by the association, the required disbursements may be in the amount of available assets. Unless otherwise provided by the court, the reserves of the insolvent insurer, as reflected in its records or in the financial examination leading to the finding of insolvency, on the date of the final order of liquidation, shall be used to determine the initial disbursement to the guaranty associations. The liquidator shall liquidate the assets of the insurer in an expeditious manner, but is not required to make forced or quick sales that would result in obtaining less than market value for assets.**

[4.] **5.** The liquidator's proposal shall, with respect to an insolvent insurer writing life or health insurance or annuities, provide for disbursements of assets to any guaranty association or any foreign guaranty association covering life or health insurance or annuities or to any other entity or organization reinsuring, assuming or guaranteeing policies or contracts of insurance [under] **pursuant to** the laws creating such associations.

[5.] **6.** Notice of [such] **each** application shall be given to [the] **each** guaranty association or foreign guaranty associations in and to the commissioners of the insurance departments of each of the involved states. Any such notice shall be deemed to have been given when deposited in the United States mail, certified delivery, first class postage prepaid, at least thirty days prior to submission of such application to the court. Action on the application may be taken by the court provided the above required notice has been given [and provided further that the liquidator's proposal complies with subdivisions (1) and (2) of subsection 2 of this section].

**7. The liquidator shall not offset the amount to be disbursed to a guaranty association or a foreign guaranty association by the amount of any special deposit or any other statutory deposit or asset of the insolvent insurer held in this state or another state unless such deposit has been forwarded to the guaranty association.**

375.1220. 1. The liquidator shall review all claims duly filed in the liquidation and shall make such further investigation as [he] **the liquidator** shall deem necessary. [He] **The liquidator** may compound, compromise or in any other manner negotiate the amount for which claims will be allowed, under the supervision of the court, except where the liquidator is required by law to accept claims as settled by any person or organization. Unresolved disputes shall be determined [under] **pursuant to** section 375.1214. No claim under a policy of insurance shall be allowed for any amount in excess of the applicable policy limits or without regard to policy deductibles.

2. If the fixing or liquidation of any claim or claims would unduly delay the administration of the liquidation or if the administrative expense of processing and adjudication of a claim or group of claims of a similar type would be unduly excessive when compared with the moneys which are estimated to be available for distribution with respect to such claim or group of claims, the determination and allowance of such claim or claims may be made by an estimate. Any such estimate shall be based upon an actuarial evaluation made with reasonable actuarial certainty or upon another accepted method of valuing claims with reasonable certainty.

**3. The estimation of contingent liabilities permitted by subsection 2 of this section or any other section of this chapter may be used for the purpose of fixing a creditor's claim in the estate, and for determining the percentage of partial or final divided payments to be paid to creditors with reported allowed claims. However, nothing in subsection 2 of this section or any other section in this chapter shall be construed as authorizing the receiver, or any other entity, to compel payment from a reinsurer on the basis of estimated incurred but not reported losses and, except with respect to claims made pursuant to section 375.1212, outstanding reserves. Nothing in this subsection shall be construed to impair any obligation arising pursuant to any insurance agreement.**

**4. Notwithstanding the provisions of this section or any other section of this chapter to the contrary, the liquidator may negotiate a voluntary commutation and release of all obligations arising from reinsurance contracts or other agreements.**

**5. The provisions of this section shall not apply to and have no force and effect regarding any formal delinquency proceeding in which, prior to the effective date of this act, the court in which such proceeding was or is pending issued any order or decree construing or applying the provisions.**

379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated [under] **pursuant to** sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated [under] **pursuant to** the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:



(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;

(2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured [under] **pursuant to** marine, as distinguished from inland marine, insurance policies;

(3) Insurance against loss or damage to aircraft;

(4) All forms of motor vehicle insurance; and

(5) All forms of life, accident and health, and workers' compensation insurance.

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

**3. Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of the department of insurance of the policy language, policy provisions or the format of such policies, or the regulation of the rates used to calculate the amount of premium charged.**

379.321. 1. Every insurer shall file with the director, except as to **commercial property or commercial casualty insurance as provided in subsection 6 of this section and as to** inland marine risks which by regulation or general custom of the business are not written according to manual rates or rating plans, every manual of classifications, rules, underwriting rules and rates, every rating plan and every modification of the foregoing which it uses and the policies and forms to which such rates are applied. Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the director to accept such filings on its behalf, provided that nothing contained in section 379.017 and sections 379.316 to 379.361 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the director to accept such filings on its behalf. Filing with the director by such insurer or licensed rating organization within ten days after such manuals, rating plans or modifications thereof or policies or forms are effective shall be sufficient compliance with this section.

2. Except as to **commercial property or commercial casualty insurance as provided in subsection 6 of this section and as to** contracts or policies for inland marine risks as to which filings are not required, no insurer shall make or issue a policy or contract except [in accordance with] **pursuant to** filings which are in effect for that insurer or [in accordance with the provisions of] **pursuant to** section 379.017 and sections 379.316 to 379.361. Any rates, rating plans, rules, classifications or systems, in effect on August 13, 1972, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

3. Upon the written application of the insured, stating his **or her** reasons therefor, filed with the insurer, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

4. Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the director to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

(1) That any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the director and to the rating organization and may then make its own independent filings for any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; **and**

(2) That any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the director:

(a) Requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty days after receipt of such request, either:

a. To make such filing as a rating organization filing[, or];

b. To make such filing on an agency basis solely on behalf of the requesting member[.]; or

c. To decline the request of such member; and

(b) Excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

5. Any change in a filing made [under the provisions of] **pursuant to** this section during the first six months of the date [said] **such** filing becomes effective shall be approved or disapproved by the director within ten days following [his] **the director's** receipt of notice of such proposed change.

**6. Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall adhere to the filing requirements of this section, provided however, that the filings for such policies shall be for informational purposes only. Therefore, all manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, shall be filed with the director for policies which meet the exemption requirements of section 379.362. Such filings shall be made with**

the director within thirty days after such materials are used by the insurer, but such policies and rates need not be reviewed or approved by the department of insurance as a condition of their use. Nothing in this subsection shall require the filing of individual policies or the rates related thereto where the original policy forms, manuals, rates and rules for the insurance plan or program to which such individual policies conform have already been filed with the director.

**379.362. 1. Commercial property insurance and commercial casualty insurance policies shall be exempt from those provisions of sections 379.316 to 379.361, 379.420 to 379.510 and 379.888 which concern regulation by the department of policy language, policy provisions or the format of such policies, or the rates associated with such policies, for any policy for which the policyholder certifies in writing, on a certification form approved by the department, that the policyholder understands that the policy's language or the policy's rating are unregulated by the department and that the requirements of either subdivision (1) or subdivision (2) below are met:**

**(1) The policyholder has utilized the services of the independent insurance adviser. For purposes of this section, the term "independent insurance adviser" means a person who is qualified through education, training or experience to assess the purchaser's insurance needs and analyze the policy with or on behalf of the policyholder. Such an insurance adviser may be an employee of the policyholder or a person retained by the purchaser, provided that the independent insurance adviser shall not also be an employee of the insurer. Such an independent insurance adviser shall only be compensated for services related to the insurance transaction in question by the policyholder; or**

**(2) The policyholder's commercial operations meet any two of the following criteria:**

**(a) One hundred or more employees;**

**(b) A net worth of over twenty-five million dollars;**

**(c) Net revenues or sales of over fifty million dollars;**

**(d) Paid aggregate annual commercial insurance premiums of over fifty thousand dollars, excluding workers' compensation and employer's liability insurance;**

**(e) Is a not for profit or public entity with an annual budget or assets of at least twenty-five million dollars; or**

**(f) Is a municipality with a population of over fifty thousand inhabitants.**

**2. An insurer writing a commercial property or commercial casualty insurance policy pursuant to subsection 1 of this section shall retain a copy of the policyholder's written certification as part of the insurer's policy records of the transaction.**

**3. Nothing contained in subsection 1 of this section shall be construed as exempting commercial property or commercial casualty policies which meet the requirements of subsection 1 of this section from any regulatory authority of the director of the department of insurance other than that authority related to the oversight of the policy language, policy provisions or the format of policies, or of the rates used to calculate the amount of premium charged. In particular, nothing contained in subsection 1 of this section shall limit the director's authority over excessive, inadequate or unfairly discriminatory rates.**

**4. The director may, by rule, require insurers providing coverage pursuant to subsection 1 of this section to retain information in such insurer's files identifying the policies providing such coverage, and to report to the department aggregate data regarding the types of such coverage written and the amounts charged for such coverage.**

**5. Notwithstanding the provisions of section 384.017, RSMo, commercial property or commercial casualty insurance meeting the requirements of subsection 1 of this section may be procured through a surplus lines licensee from an eligible surplus lines insurer even though the same type of coverage or quality of service is obtainable in the market from admitted insurers.**

**379.425. 1. Sections 379.420 to 379.510 apply to casualty insurance, including fidelity, surety and guaranty bonds, and to all forms of motor vehicle insurance, on risks or operations in this state, except**

**(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.460 and subsection 2 of section 379.430;**

**(2) Insurance against workers' compensation liability;**

**(3) Accident and health insurance;**

**(4) Insurance against loss of or damage to aircraft, or against liability, other than employers' liability, arising out of the ownership, maintenance or use of aircraft.**

**2. Commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of insurance of the policy language, policy provisions or the format of such policies, or regulation of the rates used to calculate the amount of premium charged.**

**379.888. 1. As used in sections 379.888 to 379.893, the following terms mean:**

**(1) "'A' rated risk" [means], any insurance coverage for which rates are individually determined based upon judgment because**



neither a rate service organization nor the insurer has yet established a manual rate based upon experience, except that if a rate service organization or the insurer acquires sufficient experience to establish, or if the insurer itself has, a manual rate for such coverage, then such coverage shall no longer be considered an "A" rated risk for each insurer;

(2) "Base rate" [means], the rate designed to reflect the average aggregate experience of a particular market, prior to adjustment for individual risk characteristics resulting from application of any rating plan;

(3) "Classification" [means], a grouping of insurance risks according to a classification system used by an insurer;

(4) "Classification system" [means], a schedule of classifications and a rule or set of rules used by an insurer for determining the classification applicable to an insured;

(5) "Commercial casualty insurance" [means], casualty insurance for business or nonprofit interests which is not for personal, family, or household purposes;

(6) "Director" [means], the director of the department of insurance;

(7) "Rate" [means], a monetary amount applied to the units of exposure basis assigned to a classification and used by an insurer to determine the premium for an insured;

(8) "Rating plan" [means], a rule or set of rules used by an insurer to calculate premium for an insured, and the parameter values used in such calculation, after application of classification premium rates to units of exposure; **and**

(9) "Rating system" [means], a collection of rating plans to be used by an insurer, rules for determining which rating plans are applicable to an insured, a classification system, and other rules used by an insurer for determining contractual consideration for insured.

2. Every filing of commercial casualty insurance premium rates, rating plans or rating systems by an insurer or rating organization [must] **shall** be submitted to the director for review prior to becoming effective if it produces an increase or decrease exceeding twenty-five percent annually from changes in any:

(1) Base rates;

(2) Rating basis;

(3) Rating plans;

(4) Manual rules;

(5) Territorial definitions; or

(6) Combination of such rating system components of subdivisions (1) to (5) of this subsection.

3. Nothing in this section applies to premium increases or decreases from:

(1) Change in hazard of the insured's operation;

(2) Change in magnitude of the exposure basis for the insured, including, without limitation, changes in payroll or sales; [or]

(3) "A" rated risks; **or**

**(4) Commercial casualty insurance that is exempt pursuant to section 379.362.**

4. Any renewal notice of a commercial casualty insurance policy as defined in section 379.882 for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any scheduled rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured informing the insured that any inquiry by the insured concerning the change may be directed to the agent of record or directly to the insurer. When any insured makes a request for information pursuant to this subsection, the insurer, directly or through the insurer's agent, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a scheduled rating credit or increase in a scheduled rating debit which is applied to the policy. Evidence supporting the basis for any scheduled rating credit or debit shall be retained by the insurer for the policy term plus two calendar years[, in accordance with] **pursuant to** section 374.205, RSMo. The [Missouri] department of insurance shall notify commercial casualty insurers of the requirements of this section by bulletin. [The provisions of this subsection shall become effective on January 1, 1999.]

Section B. Section 375.1220 shall terminate on December 31, 2000.; and

Further amend the title and enacting clause accordingly.

On motion of Representative Gunn, **House Amendment No. 7** was adopted.

Representative Richardson offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 21, Section 408.620, Line 7, by inserting immediately after said line the following:

"408.653. 1. A depository institution including any state or federally chartered bank, credit union, savings and loan association or any similar institution may charge no more than fifteen dollars as an overdraft charge or as a charge for a check, draft or similar sight order returned for insufficient or uncollected funds.

2. Any person to whom a check, draft, order or like instrument is tendered may, if such instrument is dishonored or returned unpaid for any reason, charge and collect from the maker or drawer, or the person for whose benefit such instrument was given, the amount of [twenty] **twenty-five** dollars plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument. No such charge will be considered interest, finance charge, time price differential or anything of a similar nature for purposes of any statute in this state."; and

Further amend the title and enacting clause accordingly.

Representative Richardson moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

On motion of Representative Liese, **HCS SCS SB 386, as amended**, was adopted.

On motion of Representative Liese, **HCS SCS SB 386, as amended**, was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker



Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Auer Reynolds

PRESENT: 002

Marble Murphy

ABSENT WITH LEAVE: 003

Dougherty Levin Scott

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 143

Abel Auer Backer Ballard Barnett  
Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser  
Black Blunt Bonner Boucher Boykins  
Bray 84 Britt Burton Campbell Carter  
Champion Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Ransdall Reinhart  
Relford Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Stokan Surface Thompson 37  
Thompson 72 Townley Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 016

Akin Alter Bartle Boatright Chrismer  
Froelker Hanaway Lograsso Murphy Pryor  
Purgason Reid Reynolds Smith Summers  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 002

Ridgeway Treadway

VACANCIES: 002

On motion of Representative Ward, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 20**, relating to community improvement, was taken up by Representative Schilling.

Representative Schilling offered **HS HCS SB 20**.

Representative Bray offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 52, Section 1, Line 4 of said page, by inserting after all of said line the following:

"Section B. Sections 32.110, 32.111, 32.112, 32.115, 135.530 and 135.535, RSMo Supp. 1998, are repealed and eleven new

sections enacted in lieu thereof, to be known as sections 32.110, 32.111, 32.112, 32.115, 135.530, 135.535, 1, 2, 3, 4 and 5, to read as follows:

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and [twenty-two] **twenty-six** million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. **All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding.**

32.111. Any business firm which engages in providing affordable housing assistance activities **or market rate housing in distressed communities as defined in section 135.530, RSMo**, in the state of Missouri shall receive a tax credit as provided in section 32.115 if the commission or its delegate approves a proposal submitted by one or more business firms for the provision of affordable housing units **or market rate housing in distressed communities** or in accordance with the requirements of participation in the workfare renovation project in sections 215.340 to 215.355, RSMo. The proposal shall set forth the program of affordable housing to be conducted, the location and number of affordable housing units, the neighborhood area to be served, why the program is needed, the time period for which affordable housing units shall be provided, the estimated amount to be invested in the program, plans for implementing the program and a list of the business firms proposing to provide affordable housing assistance activities which are part of the proposal. **The same type of information shall be provided in proposals for market rate housing in distressed communities.** In the case of rental units **of affordable housing, but not market rate housing in distressed communities**, all proposals approved by the commission shall require a land use restriction agreement stating the provision of affordable housing on [said] **such** property for a time period deemed reasonable by the commission. In the case of owner-occupied units **of affordable housing**, all proposals approved by the commission shall require a land use restriction agreement for a time period deemed reasonable by the commission requiring any subsequent owner, except a lender with a security interest in the property, to be an owner occupant whose income at the time of acquisition is at or below the level described in section 32.105, and further requiring the acquisition price to any subsequent owner shall not exceed by more than a five percent annual appreciation the acquisition price to the original, eligible owner at the time tax credits are first claimed. The land use restriction agreement shall constitute a lien as described in subdivision (4) of subsection 3 of section 32.115. The restriction shall be approved by the property owner and shall be binding on any subsequent owner of the property unless otherwise approved by the commission. In approving a proposal, the commission may authorize the use of tax credits by one or more of the business firms listed in the proposal and shall establish specific requirements regarding the degree of completion of affordable housing assistance activities **or market rate housing activities in distressed communities** necessary to be eligible for tax credits provided pursuant to this section. If, in the opinion of the commission or its delegate, a business firm's investment can more consistently with the purposes of this section be made through a neighborhood organization, tax credits may be allowed as provided in this section. The commission may approve requests for multiyear credit commitments provided eligibility is maintained. The commission or its delegate is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval, for establishing housing priorities for approval or disapproval of such proposals by business firms, and for the certification of eligibility for tax credits authorized pursuant to this section. The decision of the commission or its delegate to approve or disapprove a proposal pursuant to this section shall be in writing, and if approved, the maximum credit allowable to the business firm shall be stated. A copy of the decision of the commission or its delegate shall be transmitted to the director of revenue and to the governor. A copy of the certification approved by the commission and a statement of the total amount of credits approved by the commission, the amount of credits previously taken by the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and form designated by the director of revenue for any tax year in which a tax credit is being claimed.

32.112. Any business firm which makes a contribution to a neighborhood organization, a significant part of whose activities consist of affordable housing assistance activities **or market rate housing in distressed communities as defined in section 135.530, RSMo**, in the state of Missouri, shall receive a tax credit as provided in section 32.115 if the commission approves a proposal submitted by one or more business firms for the general operating assistance of such neighborhood organization. The proposal shall set forth the activities of the neighborhood organization, including the affordable housing assistance activities **or market rate housing in distressed communities**, the neighborhood area to be served, why the activities are needed, the estimated amount to be contributed to the neighborhood organization, and a list of the business firms proposing to make the contributions. The commission is hereby authorized to promulgate rules and regulations pursuant to section 536.024, RSMo, for establishing criteria for evaluating such proposals by business firms for approval or disapproval, and for the certification of eligibility for tax credits authorized [under] **pursuant to** this section. The decision of the commission to approve or disapprove a proposal pursuant to this section shall be in writing and, if approved, the maximum credit allowable to the business firm shall be stated. A copy of the decision of the commission shall be transmitted to the director of revenue and to the governor. A copy of the certification approved by the commission and a statement of the total amount of credits approved,



the amount of credits previously taken by the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and form designated by the director of revenue for any tax year in which a tax credit is being claimed.

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;
- (4) The tax on other financial institutions in chapter 148, RSMo;
- (5) The corporation franchise tax in chapter 147, RSMo;
- (6) The state income tax in chapter 143, RSMo; and
- (7) The annual tax on gross receipts of express companies in chapter 153, RSMo.

2. For proposals approved pursuant to section 32.110:

- (1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;
- (2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;
- (3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:
  - (a) An area that is not part of a standard metropolitan statistical area;
  - (b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or
  - (c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;
- (4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this [section] **subsection**. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed [twenty-eight] **thirty-two** million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;
- (5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

- (1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities **or market rate housing in distressed communities as defined in section 135.530, RSMo**, by a business firm. Whenever [said] **such** investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units **or market rate housing units in distressed communities** for which a tax is



claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units **or market rate housing units in distressed communities**, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify [said] **such** certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

**5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.**

135.530. For the purposes of [this act] **sections 100.010, 100.710 and 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460, RSMo**, "distressed community" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or [the] a United States Census Block Group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and [which has] **each block group having** a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of **under** seventy percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a Census Block Group or contiguous group of block groups which has a population of at least two thousand five hundred [which has] **each block group having** a median household income of **under** seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census.

135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of\* rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. [A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.]

4. **A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.**

5. **An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.**

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

[5.] 7. The tax credits allowed pursuant to subsections 1, 2 [and 3], **3, 4 and 5** of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection [3] **4** of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection [4] **6** of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

[6.] 8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 [or 3], **3, 4 or 5** of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

[7.] 9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

**Section 2. Sections 2 to 6 of this act shall be known and may be cited as the "Rebuilding Communities and Neighborhood Preservation Act".**

**Section 3. As used in sections 4 to 6 of this act, the following terms mean:**

(1) "Department", the department of economic development;

(2) "Director", the director of the department of economic development;



(3) "Distressed community", as defined in section 135.530, RSMo;

(4) "Eligible costs for a new residence", expenses incurred for property acquisition, development, site preparation other than demolition, surveys, architectural and engineering services and construction and all other necessary and incidental expenses incurred for constructing a new market rate residence, which is or will be owner-occupied, which is not replacing a national register listed or local historic structure; except that, costs paid for by the taxpayer with grants or forgivable loans, other than tax credits, provided pursuant to state or federal governmental programs are ineligible;

(5) "Eligible costs for rehabilitation", expenses incurred for the renovation or rehabilitation of an existing residence including site preparation, surveys, architectural and engineering services, construction, modification, expansion, remodeling, structural alteration, replacements and alterations; except that, costs paid for by the taxpayer with grants or forgivable loans other than tax credits provided pursuant to state or federal governmental programs are ineligible;

(6) "Eligible residence", a single-family residence forty years of age or older, located in this state and not within a distressed community as defined by section 135.530, RSMo, which is occupied or intended to be or occupied long term by the owner or offered for sale at market rate for owner-occupancy and which is either located within a United States census block group which, if in a metropolitan statistical area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the metropolitan statistical area in which the census block group is located, or which, if located within a United States census block group in a nonmetropolitan area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the nonmetropolitan areas in the state;

(7) "Flood plain", any land or area susceptible to being inundated by water from any source or located in a one hundred-year flood plain area determined by Federal Emergency Management Agency mapping as subject to flooding;

(8) "New residence", a residence constructed on land which if located within a distressed community has either been vacant for at least two years or is or was occupied by a structure which has been condemned by the local entity in which the structure is located or which, if located outside of a distressed community but within a census block group as described in subdivision (6) or (10) of this section, either replaces a residence forty years of age or older demolished for purposes of constructing a replacement residence, or which is constructed on vacant property which has been classified for not less than forty continuous years as residential or utility, commercial, railroad or other real property pursuant to article X, section 4(b) of the Missouri Constitution, as defined in section 137.016, RSMo; except that, no new residence shall be constructed in a flood plain or on property used for agricultural purposes. In a distressed community, the term "new residence" shall include condominiums, owner-occupied units or other units intended to be owner-occupied in multiple unit structures;

(9) "Project", new construction, rehabilitation or substantial rehabilitation of a residence that qualifies for a tax credit pursuant to sections 2 to 6 of this act;

(10) "Qualifying residence", a single-family residence, forty years of age or older, located in this state which is occupied or intended to be occupied long term by the owner or offered for sale at market rate for owner-occupancy and which is located in a metropolitan statistical area or nonmetropolitan statistical area within a United States census block group which has a median household income of less than seventy percent of the median household income for the metropolitan statistical area or nonmetropolitan area, respectively, or which is located within a distressed community. A qualifying residence shall include a condominium or residence within a multiple residential structure or a structure containing multiple single-family residences which is located within a distressed community;

(11) "Substantial rehabilitation", rehabilitation the costs of which exceed fifty percent of either the purchase price or the cost basis of the structure immediately prior to rehabilitation; provided that, the structure is at least fifty years old notwithstanding any provision of sections 2 to 6 of this act to the contrary;

(12) "Tax liability", the tax due pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to 143.191 to 143.265, RSMo;

(13) "Taxpayer", any person, partnership, corporation, trust or limited liability company.

Section 4. 1. Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 3 of this act shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 3 of this act shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 2 to 6 of this act for the construction or rehabilitation of rental property.

Section 5. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 4 of this act in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects involving eligible residences and eight million dollars for projects involving qualifying residences. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 2 to 6 of this act may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 2 to 6 of this act are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 4 of this act. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 4 of this act, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 4 of this act shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

Section 6. 1. To obtain any credit allowed pursuant to sections 2 to 6 of this act, a taxpayer shall submit to the department, for preliminary approval, an application for tax credit. The director shall, upon final approval of an application and presentation of acceptable proof of substantial completion of construction, issue the taxpayer a certificate of tax credit. The director shall issue all credits allowed pursuant to sections 2 to 6 of this act in the order the applications are received. In the case of a taxpayer other than an owner-occupant, the director shall not delay the issuance of a tax credit pursuant to sections 2 to 6 of this act until the sale of a residence at market rate for owner-occupancy. A taxpayer, taxpayer other than an owner-occupant who receives a certificate of tax credit pursuant to sections 2 to 6 of this act shall, within thirty days of the date of the sale of a residence, furnish to the director satisfactory proof that such residence was sold at market rate for owner-occupancy. If the director reasonably determines that a residence was not in good faith intended for long-term owner occupancy, the director make revoke any tax credits issued and seek recovery of any tax credits issued pursuant to section 620.017, RSMo.

2. The department may cooperate with a municipality or a county in which a project is located to help identify the location of the project, the type and eligibility of the project, the estimated cost of the project and the completion date of the project.

3. The department may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer the provisions of sections 2 to 6 of this act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The department shall conduct annually a comprehensive program evaluation illustrating where the tax credits allowed pursuant to sections 2 to 6 of this act are being utilized, explaining the economic impact of such program and making recommendations on appropriate program modifications to ensure the program's success.

Section C. Section B of this act shall become effective on

January 1, 2000."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Loudon raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.



On motion of Representative Bray, **House Amendment No. 1** was adopted.

Representative Riback Wilson offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 51, Section 67.1663, Line 1, by inserting after all of said line the following:

**"Section 1. Sections 1 to 4 of this act shall be known and may be cited as the "Family and Community Investment Trust Act".**

**Section 2. 1. There is hereby created the "Family and Community Investment Trust". The trust shall be governed by a board which shall include the directors of the departments of corrections, elementary and secondary education, health, labor and industrial relations, economic development, mental health and social services. The board shall also include seven private sector members of various backgrounds reflective of the geographic and demographic diversity of the state, including persons with evaluation expertise and experience with business partnerships, with knowledge of community organization and support systems, and of the needs and circumstances of children and families. Members shall be residents of the state of Missouri. The private sector members shall be appointed by the governor, with the advice and consent of the senate, based on recommendations from private and public community-based organizations or individuals. Additional department directors may be appointed; however, an additional private sector member shall be appointed for each additional department director appointed. Private sector members shall serve staggered three-year terms and shall serve no more than two consecutive terms. The governor may appoint nonvoting members to the trust as deemed appropriate by the governor and the trust board.**

**2. The board shall elect from among its membership cochairpersons, one each from the public and private sectors. Members of the board shall receive no compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties as members of the board.**

**3. The purpose of the trust is to provide leadership through a public-private partnership, in collaboration with community agencies and organizations, to measurably improve the well-being of Missouri's families, children, individuals and communities, and encourage collaboration among public and private entities to build and strengthen comprehensive community-based support systems. The trust shall also coordinate its efforts with other statewide boards and commissions to advise the governor and legislature on statewide goals and objectives to improve the well-being of Missouri's families, children, individuals and communities through the efficient and effective coordination of state resources.**

**Section 3. 1. The trust, a body corporate and politic, shall have the following powers together with all other powers incidental thereto or necessary for the performance thereof; provided, however, that the trust shall not supersede the statutory authority of the state departments:**

**(1) To receive, accept and utilize gifts, grants, donations, contributions, money, property, facilities and services, with or without consideration, from any person, firm, corporation, foundation or other entity, or from this state or any agency, instrumentality or political subdivision thereof, from the United States government or any agency, instrumentality thereof, for the purpose of providing sustained technical support and training for state agencies and communities in their attempts to improve the well-being of Missouri's families, children, individual and communities. Technical training and support shall be available through representatives of state agencies, existing community agencies, community development specialists and qualified researchers;**

**(2) To create an action plan, in collaboration with community agencies and state agencies, that identifies a common core of specific outcome measures across communities, that assures accountability, and that incorporates interagency and community strategies and other initiatives to improve the well-being of children, families and communities;**

**(3) To monitor the implementation of and evaluate the effectiveness of the action plan in achieving the core outcomes across the state;**

**(4) To devise strategies to respond to any federal fiscal policy changes affecting programs which impact on the well-being of children, youth and families in this state, including those changes required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended.**

**2. The trust shall be responsible for advising the governor and the general assembly on state budget or policy changes necessary to achieve:**

**(1) Accountability for outcomes;**

**(2) Bringing services closer to where families live and work, and children attend school;**

**(3) Active community involvement in local decision making to measurably improve the well-being of children, families**

and individuals;

(4) Effective use of funds to meet community needs and priorities consistent with the appropriations process of the general assembly and state policy goals.

3. The trust shall hold at least two public hearings a year. One of these hearings shall be held prior to the submission of the departmental budget proposals to the governor, and the trust shall provide its budget proposals to anyone requesting such proposals prior to the hearing. All other meetings of the trust shall be subject to the provisions of chapter 610, RSMo.

Section 4. 1. There is hereby established the "Family and Community Investment Trust Legislative Oversight Committee". The committee shall be comprised of five members of the house of representatives appointed by the speaker of the house with no more than three members from any one political party and five members of the senate appointed by the president pro tem of the senate with no more than three members from any one political party.

2. The committee shall:

(1) Ensure that the family and community investment trust is overseeing the state's progress in meeting the goal of improving the well-being of families, children and communities; and

(2) Ensure accountability for expenditures of public moneys and measurement of the effectiveness of the action plan."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Patek raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Riback Wilson, **House Amendment No. 2** was adopted.

Representative Riley offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 52, Section 1, Line 4, by inserting after all of said line the following:

"Section 2. 1. This section shall be known and may be cited as the "Summer Jobs Program". This tax credit program shall be administered by the department of economic development as a pilot project from January 1, 2000, until December 31, 2002, with the goal of creating employment for youths in urban areas. No later than December 1, 2001, the department of economic development shall submit to the general assembly a report which outlines the effectiveness of the program.

2. For all taxable years beginning on or after January 1, 2000, and before January 1, 2003, an individual or corporate taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.261, RSMo, for up to twenty-five thousand dollars of the amount expended to establish, in any city with a population greater than three hundred fifty thousand, located in more than one county, a summer job program to employ youths who are between sixteen and nineteen years of age and whose family income is equal to or below one hundred fifty percent of the federal poverty level.

3. To receive the credit allowed pursuant to this section, a taxpayer shall submit an application to the department of economic development in a form prescribed by the department of economic development. Upon approval of a taxpayer's application, the department of economic development shall issue a certificate of tax credit which shall be submitted by the taxpayer with such taxpayer's state income tax return. Tax credits shall be issued in the order applications are received.

4. Tax credits issued pursuant to this section are transferrable and assignable, and may be carried forward to the taxpayer's five succeeding tax years or carried back to the taxpayer's three preceding tax years until the full credit has been claimed.

5. The maximum amount of tax credits allowed pursuant to this section is two hundred thousand dollars per calendar year.

6. The department of economic development shall be authorized to promulgate any rules necessary to administer the tax credit program created by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and



Further amend said bill, by amending the title and enacting clause accordingly.

Representative Loudon raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Riley, **House Amendment No. 3** was adopted.

Representative Green offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 51, Section 67.1663, Line 1, by inserting after all of said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the [municipality] **city, town or village**; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the [municipality] **city, town or village**; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; **provided that, the city, town or village may only impose requirements and the posting of bonds regarding escrows for subdivision related regulations as provided for in subsections 2 to 4 of this section.**

2. The regulation may include, **but only include**, requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including, **but only including**, requirements as to the extent and manner of the installation of all utility facilities[, and]. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and **utility** installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council may accept a bond **or escrow** in an amount and with surety and **other reasonable** conditions [satisfactory to it], providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond; [and] **provided that, the release of such escrow by the city, town or village shall be as specified in this section.** The council may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that any escrow amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds are duly posted with the United States Postal Service or other agreed upon delivery service or when the escrow funds are hand delivered to an authorized person or place as specified by the owner or developer.**

4. **If the city, town or village has not released the escrow funds within thirty days as provided in this section, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds have been released. Any owner or developer aggrieved by the city, town or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court shall award the prevailing party the amount of all costs attributable to the action, including reasonable attorneys' fees.**

5. **Nothing in this section shall apply to performance and payment bonds required by cities, towns or villages.**

6. **Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.";** and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Green, **House Amendment No. 4** was adopted.

Representative Kissell offered **House Amendment No. 5**.

Representative Schilling raised a point of order that **House Amendment No. 5** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Hosmer offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, In the Title, Line 2, by inserting after the word "repeal" the following: "section 88.812, RSMo 1994, and"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after the following: "Section A." the following: "Section 88.812, RSMo 1994, and"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the following: "67.1663 and 1," and inserting in lieu thereof the following: "67.1663, 88.812 and 1,"; and

Further amend said bill, Page 51, Section 67.1663, Line 1, by inserting after all of said line the following:

"88.812. In all third class cities, fourth class cities, towns and villages, and all cities having a constitutional charter or a special charter, the assessments made for constructing and repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating, macadamizing, curbing and guttering of any street, avenue, alley, square, or other highway, or part thereof, and repairing the same, or for any other improvement authorized by sections 88.497 to 88.663, and sections 88.667 to 88.773, and sections 80.090 to 80.560, RSMo, and sections 88.777 to 88.797, and sections 88.811 to 88.861, shall be known as "special assessments for improvements", and shall be levied and collected as a special tax, and a special tax bill shall issue therefor and be paid in the manner provided by ordinance. The legislative body of such city, town or village shall cause plans and specifications for all projects, together with an estimate of the total cost for the projects, including construction, construction contingency and fees and other expenses, and an estimate of the portion of the total cost to be assessed against each property to be benefited by the project, to be prepared by the city engineer or other proper officer, and filed with the clerk of such city, town or village, subject to the inspection of the public, and shall cause notice thereof to be published in some newspaper printed in the county for two consecutive insertions in a weekly paper, and for seven consecutive insertions in a daily paper. A public hearing shall be had before such legislative body upon the request of three or more citizens of such city, town or village, at which hearing citizens may express their assent or objection to such project. These special tax bills may include a reasonable construction contingency and an amount not to exceed twenty percent of the total cost of the improvement to be used for payment of fees and other expenses, and tax bills may bear interest not to exceed the rate on ten-year United States treasury notes as established at the most recent auction; all the tax bills shall become due and payable sixty days after the date of issue thereof, except in the case of tax bills payable in installments as herein provided; and, every special tax bill shall be a lien against the lot or tract or parcel of land described in said special tax bill for a period of ten years after date of issue, unless sooner paid, except in the case of special tax bills payable in installments, the lien of which shall not expire until one year after the date of maturity of the last installment, and except in any case where it becomes necessary to bring a suit to enforce the lien of any special tax bill, the lien of which shall continue until the expiration of the litigation. **Notwithstanding the provisions of this section, a constitutional charter city may provide for special assessments for constructing and repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating, macadamizing, curbing and guttering of any street, avenue, alley, square or other highway, or part thereof, and repairing the same, upon such terms, conditions and procedures as are set forth in its own charter or ordinances."**

Representative Loudon raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Hosmer, **House Amendment No. 5** was adopted.



Representative Wiggins offered **House Amendment No. 6**.

Representative Patek raised a point of order that **House Amendment No. 6** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Legan offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 1, Section A, Line 15, by inserting after all of said line the following:

"1.028. The general assembly recognizes that English is the [most] common language used in Missouri and recognizes that fluency in English is necessary for full integration into our common American culture."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Legan moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 075

Abel Akin Alter Ballard Bartelsmeyer

Bartle Bennett Berkstresser Black Boatright

Burton Champion Chrismer Cierpiot Crawford

Crump Dolan Elliott Enz Evans

Foster Franklin Froelker Gaskill Gibbons

Graham 106 Griesheimer Gross Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kelley 47 King Kissell

Klindt Leake Legan Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

Merideth Miller Murphy Myers Naeger

Nordwald Ostmann Patek Pouche Pryor

Purgason Reid Reinhart Richardson Robirds

Ross Sallee Schwab Scott Secrest

Shields Summers Surface Townley Wright

NOES: 080

Auer Backer Barry 100 Berkowitz Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Clayton Daniel Davis 122 Davis 63

Days Dougherty Farnen Fitzwater Foley

Ford Fraser Gambaro George Graham 24

Gratz Green Gunn Hagan-Harrell Hampton  
Harlan Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Kreider Lakin  
Lawson Levin Liese May 108 Mays 50  
McBride McClelland McKenna McLuckie Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Barnett Blunt Koller Ridgeway Tudor  
Vogel

VACANCIES: 002

Representative Foley offered **House Amendment No. 7**.

Representative Gibbons raised a point of order that **House Amendment No. 7** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Pryor offered **House Amendment No. 7**.

Representative Monaco raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Froelker offered **House Amendment No. 7**.

Representative Monaco raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Schilling offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 21, Section 67.1600, Line 23, by striking the word "**339.545**" and inserting in lieu thereof the word "**339.549**".

On motion of Representative Schilling, **House Amendment No. 7** was adopted.

Representative Howerton offered **House Amendment No. 8**.

Representative Schilling raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Loudon offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 22, Section 67.1600, Line 10, by inserting after the word "residential" the words "or commercial".

Representative Loudon moved that **House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Gaskill Gibbons Graham 106 Griesheimer

Gross Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kelley 47 King Klindt Legan Levin

Lograsso Loudon Luetkemeyer Marble McClelland

Merideth Miller Murphy Myers Naeger

Nordwald Ostmann Patek Pryor Purgason

Reid Reinhart Robirds Ross Sallee

Schwab Scott Secrest Shields Summers

Surface Townley Tudor Vogel Wright

NOES: 085

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McBride McKenna McLuckie Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Froelker Linton Long Pouche Richardson  
Ridgeway

VACANCIES: 002

Representative Reid offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 20, Page 52, Section 1, Line 4, by inserting after all of said line the following:

**"5. The provisions of this section shall expire on January 1, 2003."**

Representative Reid moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Gaskill offered **House Amendment No. 10**.

Representative Green raised a point of order that **House Amendment No. 10** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Schilling, **HS HCS SB 20, as amended**, was adopted.

On motion of Representative Schilling, **HS HCS SB 20, as amended**, was read the third time and passed by the following vote:

AYES: 133

Abel Alter Auer Barnett Barry 100  
Bartelsmeyer Bennett Berkowitz Berkstresser Black  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Cierpiot  
Clayton Crump Daniel Davis 122 Davis 63



Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Green  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Loudon Luetkemeyer Luetkenhaus May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reinhart Relford  
Reynolds Riley Rizzo Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 021

Akin Ballard Bartle Blunt Boatright  
Chrismer Crawford Gibbons Griesheimer Hohulin  
Howerton Linton Lograsso Marble Murphy  
Nordwald Patek Reid Robirds Townley  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Backer Froelker Kelly 27 Long Naeger  
Richardson Ridgeway

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Luetkenhaus moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**HCS SS SCS SB 335**, relating to sentencing provisions, was taken up by Representative Parker.

Representative Parker offered **HS HCS SS SCS SB 335**.

Representative Lograsso offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 16, by deleting lines 11 through 15 of said page, and on page 17, by deleting lines 10 through 14 of said page.

Representative Wiggins offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Clayton raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

**House Substitute Amendment No. 1 for House Amendment No. 1** was withdrawn.

Representative Smith assumed the Chair.

Representative Lograsso moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 040

Abel Akin Auer Boatright Chrismer

Cierpiot Davis 63 Foley Franklin George

Gibbons Gratz Green Hanaway Hartzler 124

Hendrickson Hickey Holand Kelly 27 King

Lawson Linton Lograsso Loudon McClelland

Murphy Murray O'Connor Reid Reynolds

Riley Ross Schilling Secrest Shields

Thompson 72 Treadway Troupe Tudor Wiggins

NOES: 108

Alter Backer Ballard Barry 100 Bartle

Bennett Berkowitz Berkstresser Black Blunt

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Clayton  
Crawford Crump Daniel Davis 122 Days  
Dolan Elliott Enz Evans Farnen  
Fitzwater Ford Foster Fraser Froelker  
Gambaro Gaskill Graham 106 Graham 24 Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hegeman Hilgemann Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kennedy Kissell  
Klindt Koller Lakin Leake Legan  
Levin Liese Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McKenna McLuckie  
Merideth Monaco Myers Naeger Nordwald  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Ransdall Reinhart Relford  
Richardson Rizzo Robirds Sallee Scheve  
Schwab Scott Seigfreid Selby Shelton  
Skaggs Smith Stokan Summers Van Zandt  
Vogel Wagner Ward Williams 121 Williams 159  
Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnett Bartelsmeyer Dougherty Hohulin Howerton  
Kreider Long Miller Purgason Ridgeway  
Surface Thompson 37 Townley

VACANCIES: 002

Representative Kreider offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 513.653, Line 19, by striking all of said section and inserting in lieu thereof the following:

"513.653. Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit, **subject to standards promulgated by the state auditor which shall take into account adequate measures to protect the confidentiality of any law enforcement activities involved in the federal seizures**, the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body **and to the department of public safety**. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures. **The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section. Any law enforcement agency which has not complied with the provisions of this section shall acquire audits for the years in which they have not filed as required by this section.**"

On motion of Representative Kreider, **House Amendment No. 2** was adopted.

Representative May (108) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 31, Section 577.023, Line 11, by inserting at the end of said section:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state, **or is a nonresident but is employed or attends school in this state, who was required to register as an offender in any other state** or who has, since July 1, 1979, or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty or nolo contendere in any other state or under federal **or military** jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register, **in person**, with the chief law enforcement official of the county in which such person resides. **Any person registered pursuant to sections 589.400 to 589.425 shall also register within ten days with the chief law enforcement official of the county in which such person is employed, any county in which such person attends school and any jurisdiction in which such person intends to be or is present for ten or more days within any twelve-month period.** The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

**3. The chief law enforcement official shall notify and forward a copy of the registration information and related fingerprints and photographs to the appropriate official in another state upon notification that the registrant has moved or will be moving to such other state.**

**4. Any person required to register pursuant to this section shall notify the chief law enforcement official of the date of changing residence within ten days of removing such person's residence from the county.**

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the central repository within ten days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

**2. The department of public safety shall develop and maintain a system for making the registry of persons who are required to register pursuant to sections 589.400 to 589.425 available on its Internet Web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; date and place of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.**

**3. The provisions of subsection 2 of this section shall expire August 28, 2005.**

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, **including those receiving an execution of sentence**, a complete list of the names,



addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.; and

Further amend said bill, page 32, line 16, section 3, by inserting immediately after said line the following:

**"Section 4. Any court, upon a plea of guilty or conviction of a crime that the defendant will be required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall enter into the record the age of the victim.**

**Section 5. No person required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall be granted probation or parole without such registration being a condition of such probation or parole.";** and

Further amend the title and enacting clause accordingly.

Representative Hosmer raised a point of order that **House Amendment No. 3** is not germane to the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative May (108), **House Amendment No. 3** was adopted.

Representative Abel offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Lines 4 and 16, by deleting said section.

Representative Abel moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 058

Abel Auer Barry 100 Bennett Berkowitz

Bonner Burton Cierpiot Clayton Crawford

Crump Davis 63 Elliott Farnen Foley

Gambaro Gaskill George Graham 106 Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Hampton Hartzler 123 Hickey Hollingsworth Hoppe

Kelly 27 Kreider Lawson Legan Lograsso

McBride McKenna Murphy Murray Naeger

O'Connor Overschmidt Pouche Pryor Ransdall

Reinhart Reynolds Riley Rizzo Robirds

Seigfreid Stokan Thompson 72 Townley Treadway

Vogel Wagner Wiggins

NOES: 088

Akin Alter Backer Ballard Bartelsmeyer  
Bartle Berkstresser Black Blunt Boatright  
Boucher Boykins Bray 84 Britt Campbell  
Carter Champion Chrismer Daniel Davis 122  
Days Dolan Dougherty Enz Evans  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gibbons Gross Hanaway Harlan  
Hartzler 124 Hegeman Hendrickson Hilgemann Holand  
Hosmer Kasten Kelley 47 Kennedy King  
Kissell Klindt Koller Lakin Levin  
Liese Linton Loudon Luetkemeyer Marble  
May 108 Mays 50 McClelland McLuckie Merideth  
Monaco Myers Nordwald O'Toole Ostmann  
Parker Patek Reid Relford Sallee  
Scheve Schilling Schwab Scott Secrest  
Selby Shields Skaggs Smith Summers  
Troupe Tudor Van Zandt Ward Williams 121  
Williams 159 Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnett Hohulin Howerton Leake Long  
Luetkenhaus Miller Purgason Richardson Ridgeway  
Ross Shelton Surface Thompson 37 Mr. Speaker

VACANCIES: 002

Representative Boucher offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting after all of said section the following:

"Section 4. No person sentenced to death shall be executed until the sentencing advisory commission has completed a study in regards to the death penalty pursuant to subsection 6 of section 558.019, RSMo."; and

Further amend the title and enacting clause accordingly.

Representative Parker raised a point of order that **House Amendment No. 5** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Dougherty offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting after all of said section the following:

"Section 4. No person sentenced to death shall be executed until the sentencing advisory commission has completed a study in regards to the death penalty pursuant to subsection 6 of section 558.019, RSMo. The study shall be completed by January 7, 2000." ; and

Further amend the title and enacting clause accordingly.

Representative Dougherty moved that **House Substitute Amendment No. 1 for House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Schilling offered **House Substitute Amendment No. 2 for House Amendment No. 5**.

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting after all of said section the following:

"Section 4. The sentencing advisory commission shall report to the Missouri General Assembly by January 1, 2001, on the appropriateness and nondiscriminatory use of the death penalty in Missouri."

Representative Parker raised a point of order that **House Substitute Amendment No. 2 for House Amendment No. 5** is dilatory.

The Chair ruled the point of order not well taken.

Representative Lograsso raised a point of order that **House Substitute Amendment No. 2 for House Amendment No. 5** is not a true substitute amendment, goes beyond the scope of the amendment and is not germane to the bill.

The Chair ruled the points of order not well taken.

Representative Schilling moved that **House Substitute Amendment No. 2 for House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 060

Auer Barry 100 Black Boucher Boykins

Bray 84 Britt Campbell Carter Champion

Daniel Davis 122 Days Dougherty Enz

Farnen Franklin Fraser Gambaro George

Green Hampton Harlan Hendrickson Hilgemann

Hollingsworth Hosmer Kelley 47 Kelly 27 Kennedy

Koller Lakin Lawson Liese Loudon

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Monaco Murray Parker

Riley Schilling Selby Skaggs Stokan

Thompson 37 Thompson 72 Townley Troupe Tudor

Van Zandt Ward Wiggins Williams 121 Wilson

NOES: 083

Akin Alter Backer Ballard Bartelsmeyer

Bartle Bennett Berkowitz Berkstresser Blunt

Boatright Bonner Burton Chrismer Cierpiot

Clayton Crawford Crump Davis 63 Dolan

Elliott Evans Fitzwater Foley Ford

Foster Gaskill Gibbons Graham 106 Graham 24

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hanaway Hartzler 123 Hartzler 124 Hegeman Hickey

Holand Hoppe Kasten King Kissell

Klindt Kreider Leake Legan Linton

Luetkemeyer Marble Murphy Myers Naeger

Nordwald O'Connor Ostmann Overschmidt Patek

Pryor Ransdall Reid Reinhart Relford

Rizzo Robirds Sallee Scheve Schwab

Scott Secrest Seigfreid Shelton Shields

Smith Summers Treadway Vogel Wagner

Williams 159 Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Abel Barnett Froelker Hohulin Howerton

Levin Lograsso Long Luetkenhaus Miller

O'Toole Pouche Purgason Reynolds Richardson

Ridgeway Ross Surface

VACANCIES: 002

Representative Boucher moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 032

Boucher Boykins Bray 84 Campbell Carter



Daniel Days Dolan Dougherty Ford  
Fraser Gambaro George Gunn Harlan  
Hilgemann Lakin McKenna McLuckie Murphy  
Murray O'Connor Riley Schilling Selby  
Thompson 37 Thompson 72 Troupe Van Zandt Wiggins  
Williams 121 Wilson

NOES: 109

Akin Alter Auer Backer Ballard  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Britt Burton Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Elliott Enz Evans Farnen Fitzwater  
Foley Foster Franklin Gaskill Gibbons  
Graham 106 Graham 24 Gratz Griesheimer Gross  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Holand Hollingsworth  
Hoppe Hosmer Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lawson Legan Levin Liese  
Linton Lograsso Loudon Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland Merideth  
Monaco Myers Naeger Nordwald Ostmann  
Overschmidt Parker Pryor Ransdall Reid  
Reinhart Relford Rizzo Robirds Sallee  
Scheve Scott Secrest Seigfreid Shelton  
Shields Skaggs Smith Stokan Summers  
Townley Treadway Tudor Vogel Wagner  
Ward Williams 159 Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 020

Abel Barnett Froelker Green Hohulin  
Howerton Leake Long Luetkenhaus Miller  
O'Toole Patek Pouche Purgason Reynolds  
Richardson Ridgeway Ross Schwab Surface

VACANCIES: 002

Representative Tudor offered **House Amendment No. 6.**

Representative Monaco raised a point of order that **House Amendment No. 6** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

**HCS SS SCS SB 335, with HS, as amended, pending**, was laid over.

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HB 779**, relating to vacation of streets and easements, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **SCS HB 779** was adopted by the following vote:

AYES: 136

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Kasten

Kelley 47 Kelly 27 Kennedy King Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor Ostmann Overschmidt Parker Patek

Pouche Pryor Ransdall Reid Reinhart

Relford Riley Rizzo Robirds Scheve

Schilling Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 025

Barnett Bartle Bray 84 Crawford Daniel

Froelker Green Gross Hohulin Howerton

Kissell Linton Long Luetkenhaus Miller

O'Toole Purgason Reynolds Richardson Ridgeway

Ross Sallee Schwab Surface Wagner

VACANCIES: 002

On motion of Representative Skaggs, **SCS HB 779** was truly agreed to and finally passed by the following vote:

AYES: 137

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Kasten Kelley 47 Kelly 27 Kennedy King

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Loudon Luetkemeyer Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Reid

Reinhart Relford Riley Rizzo Robirds

Sallee Scheve Schilling Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Ward Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 024

Barnett Bartle Bray 84 Daniel Froelker

Green Hegeman Hohulin Howerton Kissell

Linton Long Luetkenhaus Miller O'Toole

Purgason Reynolds Richardson Ridgeway Ross

Schwab Surface Wagner Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Hampton moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 60**, entitled:

An act to repeal sections 301.080, 301.192, 301.215, 301.300, 301.340, 301.370 and 301.711, RSMo 1994, sections 301.020, 301.129, 301.131, 301.132, 301.142, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465, 301.466, 301.564 and 301.800, RSMo Supp. 1998, section 301.064 as enacted by both senate bill no. 3 and senate bill no. 70 of the 1st regular session of the 88th general assembly, and section 301.064, as enacted by house bill no. 769 of the 1st regular session of the 89th general assembly, as both sections appear in RSMo Supp. 1998, and section 301.144, as enacted by both senate bill no. 3 and senate bill no. 70 of the 1st regular session of the 88th general assembly, as both sections appear in the RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-four new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7 and Senate Amendment No. 8.

#### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 17, Section 301.145, Line 5, by making bold-faced the following language: "vehicle licensed in excess of eighteen"; and

Further amend said bill, page 26, section 301.445, line 7, by making bold-faced the following language: "in excess of eighteen"; and



Further amend said bill, page 28, section 301.448, line 9, by making bold-faced the following language: "vehicle"; and further amend lines 10-11, by making bold-faced the following language: "in excess of eighteen"; and

Further amend said bill, page 30, section 301.451, lines 4-5, by making bold-faced the following language: "motor vehicle licensed in excess of eighteen"; and

Further amend said bill, page 33, section 301.456, line 7, by making bold-faced the following language: "in excess of eighteen"; and

Further amend said bill, page 34, section 301.457, line 8, by making bold-faced the following language: "in excess of eighteen"; and further amend lines 15-16, by making bold-faced the following language: "payment of a fifteen-dollar fee in addition to the regular registration fees"; and

Further amend said bill, page 39, section 301.464, lines 5-6, by making bold-faced the following language: "other than an apportioned motor vehicle or a"; and further amend line 7, by making bold-faced the following language: "in excess of eighteen"; and further amend line 14, by making bold-faced the following language: "payment of a fifteen-dollar fee in addition to the regular registration fees".

#### *Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 30, Section 301.451, Lines 15-18, by deleting all of said lines and inserting in lieu thereof the following: "for each set of special purple heart license plates [issued equal to the fee charged for personalized license plates] but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] A fee for the".

#### *Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 48, Section 6, Line 6, by inserting immediately after said line the following:

**"Section 7. Any person who has been awarded the distinguished flying cross medal may apply for distinguished flying cross motor vehicle license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the distinguished flying cross medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for each set of special plates. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.";** and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 18, Section 301.192, Line 1, by inserting immediately before said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. [The] **If the inspection is completed by the sheriff, the proceeds**

from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 1, In the Title, Line 13, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 2, Section A, Line 11, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 2, Section A, Line 16, by deleting the word and number "and 6" and inserting in lieu thereof the following: ", 6 and 7"; and

Further amend said bill, Page 48, Section 6, Line 6, by inserting after all of said line the following:

**"Section 7. 1. A motor vehicle owner may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Missouri federation of square and round dance clubs. The Missouri federation of square and round dance clubs hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri federation of square and round dance clubs derived from this section, except reasonable administrative costs, shall be used solely for the educational programs or purposes of the federation. Any motor vehicle owner may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a five dollar emblem-use contribution to the Missouri federation of square and round dance clubs, the federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by such owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, RSMo, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri federation of square and round dance clubs, to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.**

**3. A vehicle owner, who was previously issued a plate with the Missouri federation of square and round dance clubs emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the federation emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration and enforcement of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."**

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 5, Section 301.064, Line 21, by striking the word "promulgated" and inserting in lieu thereof the following: "**created**"; and further amend lines 22 and 23, by striking the following: "has been promulgated pursuant to" and inserting in lieu thereof the following: "**complies with and is subject to all of**"; and further amend line 23, by inserting after "RSMo." the following: "**All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.**"; and



Further amend said bill, Page 16, Section 301.144, line 20, by striking the word "promulgated" and inserting in lieu thereof the following: **"created"**; and further amend line 21, by striking the following: "has been promulgated pursuant to" and inserting in lieu thereof the following: **"complies with and is subject to all of"**; and further amend line 22, by inserting after "RSMo." the following: **"All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed."**

*Senate Amendment No. 8*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 48, Section 6, Line 6, by inserting after all of said line the following:

**"Section 7. 1. Any person may receive specialized license plates with words and an emblem which denotes respect for human life both before and after birth, pursuant to this section, for any vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".**

**2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE", shall bear an image of a single red rose placed on the plate in a conspicuous manner, and shall have a background with a color scheme chosen to complement and highlight the words "RESPECT LIFE" and the image of the red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. A fee for the issuance of personalized license plates pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section.**

**3. The contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents which may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.**

**4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of twenty-five dollars is made for each set of respect life license plates.**

**5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates which are not respect life license plates, as otherwise provided by law.**

**6. The director of revenue shall issue samples of the respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director, by the Missouri respect life commission, or jointly, describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund was created.**

**7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to this section.**

**8. The director of revenue shall promulgate all necessary rules and regulations for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**

**Section 8. 1. There is hereby established in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund all moneys which may be required by law to be credited to or deposited in such fund, all moneys which may be appropriated to it by the general assembly, other amounts which may be received from general revenue, grants, gifts, bequests or from federal, state or local sources, and any other sources granted or given for this specific purpose.**

**2. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings which result from the investment of moneys in the Missouri alternatives to abortion support fund shall be credited to such fund.**

**3. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium, shall not apply to the Missouri alternatives to abortion support fund.**

**4. The administration of the Missouri alternatives to abortion support fund, including but not limited to the**

disbursement of moneys from such fund, shall be as prescribed by the Missouri respect life commission in its rules. Moneys credited to and deposited in the fund shall only be used by the commission for the purposes authorized pursuant to this section or as otherwise provided by law.

5. Until the amount in the Missouri alternatives to abortion support fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund credited to the fund during the previous fiscal year, shall be available for disbursement by the Missouri respect life commission pursuant to this section. When the state treasurer certifies that the assets in the fund exceed one million dollars, from that time on all credited earnings plus all future credits to and deposits in the fund from all sources shall be available for disbursement by the commission within the limits of appropriations and for the purposes of this section. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the office of administration to pay the expenses incurred by the office of administration for budgetary, procurement, accounting and other related management functions performed by it relating to the Missouri respect life commission, to the members of the commission to pay the expenses of the members, and to the executive director and employees of the commission for salaries.

6. The purpose of the Missouri alternatives to abortion support fund is to support those private agencies which are:

- (1) Established primarily to provide alternative to abortion services, and which do not perform or refer for abortions;
- (2) Located in this state; and
- (3) Exempt from income taxation pursuant to the United States Internal Revenue Code.

For purposes of this section, the term "alternative to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy specifically to assist her in carrying her pregnancy to term instead of having an abortion.

Section 9. 1. There is hereby established in the office of administration the "Missouri Respect Life Commission". The commission shall consist of thirteen members, two who shall be members of the Missouri senate, one from the majority party and one from the minority party, appointed by the president pro tem of the senate, two who shall be members of the Missouri house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives, and nine members, one from each congressional district, appointed by the governor with the advice and consent of the senate. Not more than five congressional district members shall be from the same political party.

2. The four members appointed from the general assembly shall serve during their term as a member of the general assembly, and the nine congressional district members shall serve four-year terms, except that of the initial appointments, five shall be appointed for a term of four years and four shall be appointed for a term of two years. Before the expiration of the term of a congressional district member appointed by the governor, the governor shall appoint a successor whose term begins on July first next following. Each member shall serve until his or her successor is appointed. A member is eligible for reappointment. If there is a vacancy of a congressional district member for any cause, the governor shall make an appointment for the unexpired term with the advice and consent of the senate.

3. To be eligible for appointment to the commission and confirmation of the senate, a person shall demonstrate agreement with the principles and goals set forth in this section regarding respect for innocent human life from conception until natural death, and the need to offer and promote alternative to abortion services for pregnant women so that such women are encouraged to carry their pregnancies to term instead of having abortions. In making congressional district member appointments to the commission, the governor shall consider nominees recommended to the governor for appointment by right-to-life organizations of this state.

4. Any congressional district member may be removed by the governor for misconduct, incompetency or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

5. The commission shall elect one of its members to serve as chairperson of the commission, and may elect such other officers and establish such committees as deemed necessary.

6. The commission may appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to the executive director by law or the commission. The executive director may obtain all necessary office space, facilities and equipment, and may hire and set the compensation of such staff as is approved by the commission, within the limitations of appropriations for this purpose.

7. Each member of the commission shall serve without compensation but shall be reimbursed for ordinary and necessary expenses incurred in the performance of his or her duties.

8. The commission shall exercise its powers and duties independently of the office of administration, except that budgetary, procurement, accounting and other related management functions shall be performed by the office of administration.

9. The commission shall meet at least quarterly.



10. The powers and duties of the Missouri respect life commission shall include, but not be limited to, the following:

(1) To disburse funds from the Missouri alternatives to abortion support fund and any other funds authorized by law to be disbursed by the commission;

(2) To consult with appropriate state agencies, commissions, boards and public and private agencies to determine the effectiveness of, and need for, alternative to abortion services and effectiveness of, and need for, programs that foster respect for human life both before and after birth;

(3) To facilitate information exchange and coordination among agencies and groups concerned with offering and promoting alternative to abortion services, and concerned with offering and promoting programs that foster respect for human life both before and after birth;

(4) To develop statewide educational and public informational campaigns, conferences and workshops for the purpose of developing appropriate public awareness regarding respect for human life both before and after birth, and the need to offer and promote alternative to abortion services;

(5) To identify those groups of pregnant women at risk of obtaining abortions, identify problems and conditions such pregnant women have and encounter which causes them to choose to obtain abortions instead of choosing to carry their pregnancies to term, and propose solutions to such problems and conditions;

(6) To recommend statutory changes and appropriations to promote alternative to abortion services and to promote programs that foster respect for human life both before and after birth;

(7) To solicit and accept general revenue, grants, gifts, bequests, contributions or other aid from the general assembly, any person or business, organization or foundation, public or private, or from federal, state or local sources;

(8) To perform any other functions or duties consistent with the provisions of this section or otherwise required by law;

(9) To promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

11. The Missouri respect life commission shall submit an annual report of its activities to the president pro tem of the senate, the speaker of the house of representatives and the governor before January thirty-first of each year."; and

Further amend title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 888, as amended**, and grants the House a conference thereon and further that the conferees are allowed to exceed the differences on taking out the provisions for the state's equity position as stated in the bill.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HB 888, as amended**: Senators Mathewson, Johnson, Caskey, Graves and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House further conference on **HCS SCS SBs 31 & 285, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has defeated **HCS** for **SB 196, as amended**, and requests the House to take up and pass **SB 196**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 343**, entitled:

An act to repeal sections 193.265, 209.319, 214.310, 214.330, 256.459, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 326.160, 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371,

327.381, 327.391, 327.411, 327.421, 327.441, 327.451, 327.461, 327.605, 328.030, 331.050, 331.090, 332.021, 333.151, 334.120, 335.021, 335.051, 335.061, 335.071, 336.130, 337.535, 338.110 and 340.202, RSMo 1994, sections 286.110, 324.050, 324.056, 324.063, 324.071, 324.086, 324.128, 324.136, 324.203, 324.205, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 324.031, 327.041, 327.101, 327.401, 329.190, 330.110, 334.625, 334.655, 334.660, 334.749, 334.800, 334.850, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.066, 335.081, 337.050, 337.622, 337.739, 338.060, 339.120, 339.507, 345.080, 431.180 and 620.010, RSMo Supp. 1998, both versions of sections 286.060 as they appear in RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to professional licensing, and to enact in lieu thereof one hundred forty-nine new sections relating to the same subject, with penalty provisions and an expiration date for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 1 to Senate Amendment No. 15, Senate Amendment No. 15, as amended, Senate Amendment No. 16, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21, Senate Amendment No. 22, Senate Amendment No. 23, Senate Amendment No. 24 and Senate Amendment No. 25.

Emergency clause adopted.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 98, Section 327.461, Line 6, by inserting immediately after said line the following:

"[327.461. Every contract for architectural or engineering or land surveying services entered into by any person who is not a registered or authorized architect or registered or authorized professional engineer or registered or authorized land surveyor, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unregistered or unauthorized architect or professional engineer or land surveyor.];" and

Further amend said bill, page 153, Section 327.461, lines 1-7, by deleting all of said lines.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, page 4, Section 193.265, Line 41, by inserting after all of said line the following:

**"197.725. 1. The department of health shall establish procedures for the licensing of necessary provider hospitals. For purposes of this section, "necessary provider hospital" means an existing hospital, as defined in section 197.020, that is located outside a Standard Metropolitan Area and that:**

**(1) Provides inpatient care to ill or injured persons prior to their transportation to a hospital or provides inpatient medical care to persons needing such care for a period of no longer than ninety-six hours;**

**(2) May have up to fifteen acute care inpatient beds and may participate in the federal swing-bed program for up to ten additional beds;**

**(3) Makes available emergency services on a twenty-four hour basis; and**

**(4) Is required to have formal agreements with at least one hospital and other appropriate providers for such services as patient referral and transfer, communication systems, provision of emergency and nonemergency transportation, and backup medical and emergency services.**

**2. The department of health may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and**

Further amend said bill, Page 154, Section 345.080, Line 59, by inserting after all of said line the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of



over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multiyear group contracts need not comply until the expiration of their current multiyear term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this act, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network. In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.

5. Except for good cause, a health carrier shall be prohibited **either directly, or indirectly through intermediaries**, from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses **and when reimbursing amounts for covered services among persons duly licensed to provide such services**. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this act shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this act shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits under chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, under section 287.135, RSMo."; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 85, Section 327.272, Line 31, by deleting the semi-colon on said line and inserting in lieu thereof a period; and

Further amend said bill, same page, same section, line 32, by deleting said line; and

Further amend said bill, same page, same section, line 33, by deleting "12" on said line and inserting in lieu thereof "11".

#### *Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 11, Section 256.459, Line 7, by striking the opening bracket "[" on said line; and

Further amend said line, by striking the following: "] seven"; and

Further amend said bill, Page 11, Section 256.459, Line 9, by striking the opening bracket "[" on said line; and

Further amend said line, by striking the closing bracket "]" on said line.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 1, In the Title, Line 21, by deleting the word "forty-nine" and inserting in lieu thereof the word "sixty"; and

Further amend said bill, Page 2, Section A, Line 19, by deleting the word "forty-nine" and inserting in lieu thereof the word "sixty"; and

Further amend said bill, Page 3, Section A, Lines 36 and 37 by deleting the phrase "1 and 2" and inserting in lieu thereof the following: "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13"; and

Further amend said bill, Page 163, Section 620.160, Line 9, by inserting immediately after said line the following:

**"Section 1. As used in sections 1 to 11 of this act, the following terms mean:**

**(1) "Addictions counseling", the observation, description, evaluation, interpretation and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol and other drugs or related addiction behaviors, including gambling addition, by the application of the core functions as defined in subdivision (3) of this section; except that, the provisions of this subdivision shall not be construed to include diagnosing mental diseases. The practice of addictions counseling includes the following activities, regardless of whether the counselor receives compensation for the activities:**

**(a) Assisting individuals or groups who use alcohol or other drugs or engage in addictive behaviors, including gambling addictions, evaluating the same and recognizing addiction of the above if it exists;**

**(b) Assisting individuals or groups with addiction problems to gain insight and motivation aimed at resolving such problems;**

**(c) Providing experienced professional guidance, assistance and support for the individual's efforts to develop and maintain a responsible and functional lifestyle;**

**(d) Individual treatment planning to prevent relapse;**

**(e) Addiction prevention and other education for individuals and groups;**

**(f) Consultation with other professions;**

**(g) Recognition of problems outside the scope of the counselor's training skills or competence and referring the client to other appropriate professional care;**

**(h) Providing the above services, as needed, to family members or others affected by someone who is addicted; and**

**(i) Any other services that are not limited by another scope of practice as defined by the International Certification and Reciprocity Consortium, or any subsequent successor to this body;**

**(2) "Board", the state board for professional addictions counselors, established in section 11 of this act;**

**(3) "Core functions", the following services provided in addictions treatment:**

**(a) "Assessment", those procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of the treatment plan;**

**(b) "Case management", activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;**

**(c) "Client education", the provision of information to clients who are receiving or seeking counseling concerning addiction problems and the available services and resources;**

**(d) "Consultation with other professions", communicating with other professions in regard to client treatment and services to assure comprehensive, quality care for the client;**

**(e) "Counseling", the utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making;**

**(f) "Crisis intervention", those services which best respond to an addiction-related crisis situation of an individual, family, spouse or significant other;**



- (g) "Intake", the administrative and initial assessment procedures for admission to a program;
- (h) "Orientation", describing to the client the general nature and goals of the program; rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program; in a nonresidential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client's rights;
- (i) "Referral", identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources;
- (j) "Reports and recordkeeping", charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries and other client-related data;
- (k) "Screening", the process by which a client is determined appropriate and eligible for admission to a particular program;
- (l) "Treatment planning", those procedures by which the counselor and the client identify and rank problems needing resolution; establish agreed upon immediate and long-term goals; and decide on a treatment process and the sources to be utilized;
- (4) "Department", the Missouri department of economic development;
- (5) "Director", the director of the division of professional registration in the department of economic development;
- (6) "Division", the division of professional registration;
- (7) "Fund", the professional addictions counselors' fund created in section 5 of this act;
- (8) "Licensed professional addictions counselor", a person to whom a license has been issued pursuant to the provisions of sections 1 to 11 of this act, whose license is in force and not suspended or revoked.

Section 2. No person shall engage in the professional practice of addictions counseling unless the person is licensed as a professional addictions counselor pursuant to sections 1 to 11 of this act or certified as a substance abuse counselor. Sections 1 to 11 of this act shall not apply to:

- (1) Any person who does not represent to the public, or health care financing agencies, directly or indirectly, that the person is licensed or certified pursuant to sections 1 to 11 of this act and does not use any name, title or designation indicating that the person is licensed pursuant to sections 1 to 11 of this act;
- (2) Activities or services of:
  - (a) A licensed physician;
  - (b) A licensed psychologist;
  - (c) A licensed clinical social worker;
  - (d) A licensed professional counselor;
  - (e) A religious leader of a congregation providing pastoral alcohol and drug counseling within the scope of his or her duties; or
  - (f) A school counselor certified by the department of elementary and secondary education;
- (3) Activities and services of students, interns or residents in professional addictions counseling seeking to fulfill educational requirements in order to qualify for a license or certification pursuant to sections 1 to 11 of this act, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing pursuant to sections 1 to 11 of this act, if the activities and services are supervised by a qualified addictions professional or a professional addictions counselor licensed pursuant to sections 1 to 11 of this act, and the student, intern or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing in this section shall be construed to permit students, interns or residents to offer their services as professional addictions counselors to any other person and to accept remuneration for such professional counseling services other than as specifically exempted by the provisions of sections 1 to 11 of this act, unless such person has a license issued pursuant to sections 1 to 11 of this act;
- (4) Individuals not licensed pursuant to sections 1 to 11 of this act who work in self-help groups or programs or not for profit organizations who provide services in those groups, programs, organizations or health care financing agencies, as long as such persons are not in any manner held out to the public as practicing professional addictions counseling, or do not hold themselves out to the public by any title or designation stating or implying that such persons are professional addictions counselors.

Section 3. 1. For a period of six months from September 1, 1999, a person may apply for licensure without examination and shall be exempt from the academic requirements of sections 1 to 11 of this act if the board is satisfied that the applicant:

- (1) Has been a resident of the state of Missouri for at least the last six months; and

(2) Holds a valid license as a professional addictions counselor from another state.

2. The board shall determine by administrative rule the types of documentation needed to verify that an applicant meets the qualifications provided in subsection 1 of this section.

3. After March 1, 2000, no person may hold himself or herself out as a licensed professional addictions counselor unless the person complies with all educational and examination requirements or is licensed in accordance with the provisions of sections 1 to 11 of this act.

Section 4. No provision of sections 1 to 11 of this act shall be construed to require any agency, corporation or organization, not otherwise required by law, to employ licensed professional addictions counselors; except licensed behavioral health counselors in private practice who are certified to provide substance abuse counseling service or except licensed counselors in private practice who are licensed pursuant to sections 1 to 11 of this act to provide addictions counseling services as defined in section 1 of this act shall be considered qualified providers in all cases required by law.

Section 5. 1. Applications for licensure as a professional addictions counselor shall be in writing, submitted to the board on forms prescribed by the board and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information the board requires by rule. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. The board shall mail a renewal notice to the last known address of each licensee within forty-five days before the licensure renewal date. Failure to provide the board with the information required for a license, including continuing education documentation, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application, appropriate documentation and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board upon payment of a fee.

4. The board shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 1 to 11 of this act. All fees provided for in sections 1 to 11 of this act shall be collected by the director who shall deposit the same with the state treasurer to a fund which is hereby created and shall be known as the "Professional Addictions Counselors' Fund".

5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the professional addictions counselors' fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the professional addictions counselors' fund for the preceding fiscal year.

Section 6. 1. Each applicant for licensure as a professional addictions counselor shall furnish evidence to the board that:

(1) The applicant meets the state certification requirements as currently established by the Missouri Substance Abuse Counselors Certification Board, Inc., or board-approved national standard addiction credential certification body and is a certified substance abuse counselor and/or a nationally certified addiction counselor; and

(2) The applicant has a total of five years full-time or ten thousand hours documented experience as an addictions counselor plus a total of five hundred forty contact hours of education and training in addictions and related counseling subjects; or

(3) The applicant has a bachelor's degree in addiction studies from an accredited college or university plus two years or four thousand hours of supervised experience in the addictions field; or

(4) The applicant has a master's degree in addiction studies or related behavioral health education and two years or four thousand hours supervised experience in the addictions field by an addictions qualified professional or licensed professional addictions counselor; and

(5) The applicant is at least twenty-one years of age, has been a resident of this state for at least six months, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure; and

(6) Upon board determination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, clinical application and professional affairs and ethics.

2. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same or higher requirements as this state for professional addictions counselors may be granted a license to engage in the person's occupation in this state



upon application to the board accompanied by the appropriate documentation and fee as established by the board pursuant to section 5 of this act.

3. The board shall issue a license to each person who files an application and fee as required by the provisions of sections 1 to 11 of this act, and who furnishes evidence satisfactory to the board that the applicant has complied with the provisions of subsection 1 of this section and with the provisions of subsection 2 of this section.

Section 7. 1. Each license issued pursuant to the provisions of sections 1 to 11 of this act shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 1 to 11 of this act. The board shall renew any license upon application for renewal and upon payment of the fee established by the board pursuant to the provisions of section 5 of this act and upon presentation of documentation of a minimum of sixty contact hours of continuing education in the addictions field as defined by rule.

2. The board may issue temporary permits to practice under extenuating circumstances as determined by the board and defined by rule.

Section 8. 1. The board shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 1 to 11 of this act and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 1 to 11 of this act;

(3) The content, conduct and administration of any licensing examination required;

(4) The equivalent of the basic educational requirements set forth in section 6 of this act;

(5) The standards and methods to be used in assessing competency as a licensed professional addictions counselor;

(6) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 1 to 11 of this act;

(7) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;

(8) Establishment of a policy and procedure for reciprocity with other states; and

(9) Any other policy or procedure necessary to the fulfillment of the requirements of sections 1 to 11 of this act.

2. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 11 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 9. 1. The board may refuse to issue or renew any license required by the provisions of sections 1 to 11 of this act for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 1 to 11 of this act or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of addictions counselor; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional addictions counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 1 to 11 of this act or in obtaining permission to take any examination given or required pursuant to the provisions of sections 1 to 11 of this act;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional addictions counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 1 to 11 of this act or of any lawful rule or regulation adopted pursuant to sections 1 to 11 of this act;

(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from

any school;

(8) Revocation or suspension of a license or other right to practice addictions counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice addictions counseling who is not licensed and is not currently eligible to practice pursuant to the provisions of sections 1 to 11 of this act;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 1 to 11 of this act or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for professional addictions counselors adopted by the board by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the board pursuant to the provisions of sections 1 to 11 of this act and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend the person's license for a period not to exceed three years, or revoke the license.

Section 10. 1. Violation of any provision of sections 1 to 11 of this act is a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 1 to 11 of this act shall be refunded.

3. The department on behalf of the board may sue in its own name in any court in this state. The department shall inquire as to any violation of sections 1 to 11 of this act, may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 1 to 11 of this act.

4. Upon application by the board, the attorney general may on behalf of the board request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license;

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 1 to 11 of this act, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 1 to 11 of this act and may be brought concurrently with other actions to enforce the provisions of sections 1 to 11 of this act.

Section 11. 1. There is hereby created and established the "State Board of Professional Addictions Counselors" which shall consist of one public member, six licensed professional addictions counselors or persons who are eligible to be licensed, one member who is a director or coordinator of a certified drug treatment program, and one member who is a director or coordinator of an accredited addictions dependency training or college degree program in addictions studies. Members of the board who shall be licensed shall be selected from recommendations submitted by any nationally recognized association representing professional addictions counselors. The member of the board who is a director or coordinator of a certified drug treatment program shall be selected from recommendations submitted by a state association representing alcohol and drug treatment providers contracted with the department of mental health. The board shall be appointed by the governor with the advice and consent of the senate. Board members shall serve for a term of five years, except for the members first appointed, two professional members shall be appointed for five years, two professional members shall be appointed for four years, two professional members, the member who is a director or coordinator of an addictions dependency training or college degree program in addictions studies and the member who is a director or coordinator of a certified drug treatment program shall be appointed for three years and two public members shall be appointed for two years. No person shall be eligible for appointment to the board who has served as a member of the board for a total of ten years. Members shall be appointed to represent a diversity in gender, race and ethnicity. No more than seven members shall be from the same political party.



2. Each nonpublic board member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in sections 1 to 11 of this act, shall be licensed pursuant to sections 1 to 11 of this act, except the members of the first board, who shall be licensed within six months of their appointment, and are actively engaged in the practice of addictions counseling. If a member of the board shall, during the member's term as a board member, remove the member's domicile from the state of Missouri, then the board shall immediately notify the governor, and the seat of that board member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the first appointment, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public members shall be at the time of each member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter.

3. The board shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the board shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the board shall receive any compensation for the performance of the member's official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's duties. The board shall share resources and facilities with the office for the committee for professional counselors provided for in sections 337.500 to 337.540, RSMo. All staff for the board shall be provided by the director of the department of economic development through the director of the division of professional registration. The board may employ, or hire on a contract basis, legal counsel to represent the board on matters related to the provisions of sections 1 to 11 of this act.

5. The governor may remove any member of the board for misconduct, inefficiency, incompetency or neglect of office."; and

Further amend said bill, Page 163, Section 1, Line 1, by deleting the first number "1" and inserting in lieu thereof the number "12"; and

Further amend said bill, Page 163, Section 2, Line 1, by deleting the number "2" and inserting in lieu thereof the number "13".

*Senate Amendment No. 7*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 150, Section 339.120, Line 47, by inserting after all of said line the following:

"339.501. 1. Beginning July 1, 1999, it shall be unlawful for any person in this state to act as a real estate appraiser, or to directly or indirectly, engage or assume to engage in the business of real estate appraisal or to advertise or hold himself or herself out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri real estate appraisers commission as provided in sections 339.500 to 339.549.

2. No license or certificate shall be issued pursuant to sections 339.500 to 339.549 to a partnership, association, corporation, firm or group; except that, nothing in this section shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for, or on behalf of, a partnership, association, corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed or state-certified appraiser.

3. Any person who is not state licensed or state certified pursuant to sections 339.500 to 339.549 may assist a state-licensed or state-certified real estate appraiser in the performance of an appraisal; provided that, such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in sections 339.500 to 339.549 shall abridge, infringe upon or otherwise restrict the right to use the term "certified ad valorem tax appraiser" or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of sections 339.500 to 339.549 shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, performs appraisals of property owned by such person, partnership, association or corporation;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion;

(3) Any employee of a local, state or federal agency who performs appraisal services within the scope of his or her employment; except that, this exemption shall not apply where any local, state or federal agency requires an employee to be registered, licensed or certified to perform appraisal services;

(4) Any employee of a federal or state-regulated lending agency or institution;

(5) Any agent of a federal or state-regulated lending agency or institution in a county of third or fourth classification;

**(6) In a county of the first classification with a charter form of government and a population of at least nine hundred thousand, any person employed by the property owner or agent of the owner to represent that owner in any proceeding appealing the assessment of the owner's property as authorized pursuant to chapter 138, RSMo.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 35, Section 289.130, Line 6, by inserting after all of said line the following:

"320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(2) "[Common] **Consumer** fireworks", explosive devices designed primarily to produce visible or audible effects by combustion[, deflagration, or detonation]. This term includes aerial devices [containing no more than two grains (130 mg) of explosive composition or] **and** ground devices [containing no more than 50 mg of explosive composition], all of which are classified **as Fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified** as class C [explosives] **common fireworks** by regulation of the United States Department of Transportation;

(3) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell **consumer** fireworks;

(4) "Jobber", any person engaged in the business of making sales of **consumer** fireworks at wholesale or retail, within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(5) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(6) "Permanent structure", buildings and structures **with permanent foundations** other than tents, mobile homes, and trailers;

(7) "Permit", the written authority of the state fire marshal issued [under the authority of] **pursuant to** sections 320.106 to 320.161 to sell fireworks;

(8) "Person", any corporation, association, partnership or individual or group thereof;

(9) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(10) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of **consumer** fireworks in Missouri **only** during a fireworks season as defined by subdivision (3) of this section;

(11) "Special fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as **Fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified** as class B [explosives] **display fireworks** by regulation of the United States Department of Transportation;

(12) "Wholesaler", any person engaged in the business of making sales of **consumer** fireworks to any other person engaged in the business of making sales of **consumer** fireworks at retail within the state of Missouri.

320.111. 1. It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into **or within** the state of Missouri except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, jobber or seasonal retailer from the state fire marshal. Possession of said permit is a condition precedent to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the state of Missouri, except as herein provided. This provision applies to nonresidents as well as residents of the state of Missouri.

2. The state fire marshal has the authority and is authorized and directed to issue permits for the sale of fireworks. No permit shall be issued to a person under the age of eighteen years. All permits except for seasonal retailers shall be for the calendar year or any fraction thereof and shall expire on the thirty-first day of December of each year.

3. Permits issued must be displayed in the permit holder's place of business. No permit provided for herein shall be



transferable nor shall a person operate under a permit issued to another person or under a permit issued for another location. Manufacturer and distributor permit holders operating out of multiple locations shall obtain a permit for each location.

**4. Failure to make application for a permit by May thirty-first of the calendar year may result in the fire marshal's refusal to issue a license to the licensee or applicant for such calendar year.**

**5.** The state fire marshal is authorized and directed to charge the following fees for permits:

- (1) Manufacturer, a fee of seven hundred fifty dollars per year;
- (2) Distributor, a fee of seven hundred fifty dollars per year;
- (3) Wholesaler, a fee of two hundred fifty dollars per year;
- (4) Jobber, a fee of five hundred dollars per year per sales location;
- (5) Seasonal retailer, a fee of twenty-five dollars per year per sales location;
- (6) Special fireworks (displays), a fee of twenty-five dollars per year per location.

[5.] **6.** A holder of a manufacturer's permit shall not be required to have any additional permits in order to sell to distributors, wholesalers, jobbers or seasonal retailers, or to sell special fireworks.

[6.] **7.** A holder of a distributor's permit shall not be required to have any additional permits in order to sell to wholesalers, jobbers, seasonal retailers or to sell special fireworks.

[7.] **8.** A holder of a jobber's permit shall not be required to have any additional permit in order to sell **consumer** fireworks at retail during the fireworks season **from such jobber's permanent structure**.

[8.] **9.** All fees collected for permits issued pursuant to this section shall be paid to the Missouri department of revenue and deposited in the general revenue fund. Any person engaged in more than one permit classification shall pay one permit fee based upon the permit classification yielding the highest amount of revenue.

[9.] **10.** The state fire marshal is charged with the enforcement of the provisions of sections 320.106 to 320.161 and may call upon any state, county or city peace officer for assistance in the enforcement of the provisions of sections 320.106 to 320.161. The state fire marshal may promulgate rules pursuant to the requirements of this section and chapter 536, RSMo. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

[10.] **11.** The state fire marshal, upon notification by the department of revenue, may withhold permits from applicants upon evidence that all state sales taxes for the preceding year or years have not been paid; except, this subsection shall not apply if an applicant is pursuing any proper remedy at law challenging the amount, collection, or assessment of any sales tax.

[11.] **12.** A holder of a jobber's permit shall be required to operate out of a permanent structure in compliance with all applicable building regulations in the city or county in which said person is selling **consumer** fireworks.

[12.] **13.** It is unlawful for any manufacturer, distributor, wholesaler, or jobber to sell **consumer** fireworks to a seasonal retailer who has not acquired an appropriate permit from the state fire marshal. **A seasonal retailer shall acquire and present the appropriate permit from the state fire marshal before any manufacturer, distributor, wholesaler or jobber is allowed to sell consumer fireworks to such seasonal retailer, provided that such seasonal retailer is purchasing the consumer fireworks for resale in this state.**

[13.] **14.** The state fire marshal and [his] **the marshal's** deputies **or designees** may conduct inspections of any premises and all portions of buildings where fireworks are stored or being offered for sale. Licensees shall cooperate fully with the state fire marshal and [his] **the marshal's** deputies during any such inspection.

**15. The state fire marshal, the marshal's designees, or any authorized police or peace officer may enter onto property accessible to the public where fireworks are offered for sale by nonlicensed persons or by persons whose licenses are revoked or suspended.**

320.116. 1. The state fire marshal may revoke any permit issued [under the provisions of] **pursuant to** sections 320.106 to 320.161 upon evidence that the holder has violated any of the provisions of sections 320.106 to 320.161.

2. The state fire marshal, in his **or her** discretion, may refuse to issue a permit, for a period not to exceed three years, to a person whose permit has been revoked as the result of a conviction for the possession or sale of illegal fireworks, as referred to in section 320.136.

3. The state fire marshal, [his] **the marshal's** deputies, **the marshal's designees** or any authorized police or peace officer shall seize as contraband any illegal fireworks as defined [under the terms of] **pursuant to** sections 320.106 to 320.161. Such illegal fireworks seized in the enforcement of sections 320.106 to 320.161 shall be held in custody of the state fire marshal in proper storage facilities. The person surrendering the fireworks may bring an in rem proceeding in the circuit court of the county where the fireworks were seized. Upon hearing, the circuit court may authorize the return of all or part of the confiscated fireworks or the court may authorize and direct that such contraband fireworks be destroyed. If a proceeding is not brought within thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or

held in violation of the provisions of sections 320.106 to 320.161.

4. Any person aggrieved by any official action of the state fire marshal affecting their licensed status including revocation, suspension, failure to renew a license, or refusal to grant a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo.

320.126. 1. Any person possessing or transporting special fireworks into the state of Missouri for the purpose of resale or to conduct a special firework display shall be licensed by the state fire marshal as a distributor.

2. Possession and sale of special fireworks shall be limited to a holder of a [federal license or permit] **federal license or a distributor or manufacturer permit** issued for special fireworks displays.

3. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a state manufacturer or distributor permit.

4. Permits for public displays for special fireworks may be granted to municipalities, fair associations, amusement parks, organizations, firms or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the display is proposed to be held. Every such display shall be located, discharged, or fired so as in the opinion of the chief of the fire department, after proper inspection, to not be hazardous to any person or property. After a permit has been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for special fireworks displays shall be forwarded to the state fire marshal's office. No permit granted hereunder shall be transferable.

5. Before any permit for a [pyrotechnic] **special fireworks** display shall be issued, the municipality, fair association, amusement park, organization, firm, or corporation making application therefor shall furnish proof of financial responsibility to **the permitting authority in order to** satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" **and defined as consumer fireworks in subdivision (2) of section 320.106** other than items now or hereafter classified as ["class C common fireworks"] **Fireworks UNO336, 1.4G** by the United States Department of Transportation [or those items] that comply with the construction, chemical composition, labeling and other regulations relative to **consumer fireworks [regulation] regulations** promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public [under their] **pursuant to such commission's** regulations.

2. No retailer, dealer, or any other person shall sell, offer for sale, store, display, or have in their possession any **consumer** fireworks that have not been approved [and labeled as class C fireworks by the Interstate Commerce Commission] **as Fireworks UNO336, 1.4G by the United States Department of Transportation.**

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any **consumer** fireworks which do not have the [ICC class C label printed on the fireworks or on the smallest package in which they are sold] **numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.**

4. [The ICC class C label must be visible on the fireworks or smallest container in which they are sold. The label shall be on the fireworks, or package, or both, that is received by the general public from the dealer.

5.] This section does not prohibit a manufacturer, distributor or any other person from storing, selling, shipping or otherwise transporting [class B] **special fireworks, defined as Fireworks UNO335, 1.3G by the United States Department of Transportation**, provided they possess the proper licensing as specified by state and federal law.

[6.] **5.** Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. [1.] Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and various other tubular salutes which exceed the **federal** limits set for **Fireworks UNO336, 1.4G formerly known as** class C common fireworks, by the **United States** Department of Transportation for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, and use within the state of Missouri for any purpose. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020, RSMo.

[2. It is unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where such fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

3. Fireworks shall not be stored, kept or sold within fifty feet of any area in which volatile liquids or gases are stored above the surface of the ground.

4. It is unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within ten feet of the place



where fireworks are offered for sale.]

320.141. Permissible items of **consumer** fireworks defined in section 320.131 may be sold at wholesale or retail by holders of a jobber's permit to nonlicensed buyers from outside the state of Missouri during a calendar year from the first day of January until the thirty-first day of December. Permissible items of **consumer** fireworks defined in section 320.131 may be sold at retail by holders of a seasonal retail permit during the selling periods of the twentieth day of June through the tenth day of July and the twentieth day of December through the second day of January.

320.146. 1. It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading, "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

2. Fireworks shall not be stored, kept or sold within fifty feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon. The provisions of this subsection shall not apply to stores where cleaners, paints, and oils are sold in the original containers to consumers.

3. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within ten feet of where fireworks are offered for sale.

**4. Fireworks shall not be stored, kept or sold within fifty feet of any area in which ignitable liquids or gases are stored above the surface of the ground.**

320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen years except when such child is in the presence of a parent or guardian.

2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

3. It is unlawful to explode or ignite fireworks within six hundred feet of any church, hospital, [asylum, or public] **mental health facility**, school, or within one hundred feet of a permanent structure where fireworks are stored, sold, or offered for sale.

4. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

5. No person shall ignite or discharge fireworks within three hundred feet of any gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

6. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service **or the state fire marshal.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 154, Section 339.507, Line 59, by inserting after all of said line the following:

**"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:**

**(1) "Claim", a claim of a patient for:**

**(a) Damages from a tortfeasor; or**

**(b) Benefits from an insurance carrier;**

**(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;**

**(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;**

**(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;**

**(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;**

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tortfeasor from whom such person seeks damages or any insurance carrier which has insured such tortfeasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 through 430.250, RSMo."; and

Further amend said bill, Page 163, Section 2, Line 7, by inserting after all of said line the following:

**"Section 3. If the liens of such health practitioners, hospitals, clinics or other institutions exceeds fifty percent of the amount due the patient, every health practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in fifty percent of the amount due the patient in the proportion that each claim bears to the total amount of all other liens of health practitioners, hospitals, clinics or other institutions.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 10*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 35, Section 289.130, Line 6 of said page, by inserting after all of said line the following:

"301.142. 1. As used in this section the term "physically disabled" means a natural person who is a blind person, as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:

(1) The person cannot walk fifty feet without stopping to rest; or

(2) The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(3) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(4) Uses portable oxygen; or

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.

2. "Temporarily disabled person" means a physically disabled person whose disability or incapacity can be expected to last for not more than one hundred eighty days.

3. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, and by state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4. No additional fee shall be paid to the director of revenue for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "disabled" as prescribed in subsection 3 of this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.



5. Any physically disabled person, or the parent or guardian of any such person, or any not for profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard to be hung from the rearview mirror of a parked motor vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be two dollars and the removable windshield placard shall be renewed every year. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard shall be issued to an applicant who has not been issued disabled person license plates. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, one additional temporary windshield placard shall be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to subsection 6 of this section is supplied to the director of revenue at the time of renewal. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.

6. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section. The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists **or with the state board of optometry created in section 336.130, with respect to physician's statements signed by optometrists** to determine whether the physician is duly licensed and registered pursuant to law. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director may, in cooperation with the boards which shall assist the director, establish a list of all physicians' names and of any other information necessary to administer this subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection.

7. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit an affidavit stating this fact, in addition to the physician's statement. The affidavit shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this affidavit with each application for license plates.

8. The director of revenue shall enter into reciprocity agreements with other states for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons in those states.

9. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of such person shall return the plates or placards or both to the director of revenue under penalty of law. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

10. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be two dollars.

11. Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by inserting immediately after said line the following:

**"Section 1. Fraudulent procurement or use of disabled person license plates or windshield placards shall be a class C misdemeanor. It is a class C misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice."**

*Senate Amendment No. 12*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 68, Section 324.524, Line 11, by inserting after all of said line the following:

**"324.560. As used in sections 324.560 to 324.605, unless the context provides otherwise, the following terms shall mean:**

- (1) "Department", the department of economic development;**
- (2) "House", a dwelling, building, or other structure in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo;**
- (3) "Housemoving experience", extensive and responsible training gained by the applicant while engaged actively and directly on a full-time basis in the moving of houses and structures on public roads and highways with at least twenty-four months experience;**
- (4) "Person", an individual, corporation, partnership, association or any other business entity.**

**324.563. All persons who engage in the profession of housemoving on the roads and highways of this state shall be licensed by the department of economic development.**

**324.566. The department shall issue licenses to applicants meeting the following conditions:**

- (1) The applicant must be at least eighteen years of age, be of good moral character and demonstrate that he or she has two years of experience in moving houses;**
- (2) The applicant must furnish proof that all of the vehicles to be used in the movement of buildings, structures, or other extraordinary objects wider than fourteen feet have met the requirements of sections 307.350 through 307.400, RSMo, pertaining to the inspection of motor vehicles;**
- (3) The applicant must exhibit his federal employer's identification number; and**
- (4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

**324.569. A license issued pursuant to this section shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.**

**324.572. 1. No license shall be issued or renewed unless the applicant files with the department a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:**

- (1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;**
- (2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and**
- (3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees if the employer is licensed as a professional housemover.**

**2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the department a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.**

**3. An insurance company issuing any insurance policy required by this section shall notify the department of any of**



the following events at least thirty days before its occurrence:

- (1) Cancellation of the policy;
- (2) Nonrenewal of the policy; or
- (3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the department a copy of either:

- (1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's structure for all claims for property damage arising from the movement of a structure; or
- (2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.575. 1. Persons licensed as professional housemovers shall also be required to secure a special permit, as provided for in subsection 6 of section 304.200, RSMo, from the director of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the director if the director determines that the applicant:

- (1) Is properly licensed;
- (2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.572; and
- (3) Is complying with such other regulations as required by the department of economic development.

2. A license shall not be required for individuals moving their own buildings from or to property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.578. 1. Application for a special permit to move a structure must be made to the director of the department of highways and transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the director.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The director shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the building or structure to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the director on appeal. After reviewing the route and travel plan, the director may in his or her discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the structure, the distance the structure is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur can be required if deemed necessary by the director.

324.581. All obstructions, including traffic signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the mover, provided that arrangements for and approval from the owner is obtained.

324.584. Irrespective of the route shown on the special permit, an alternate route will be followed:

- (1) If directed by a peace officer;
- (2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device; or
- (3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the department issuing the permit on which he is traveling prior to proceeding.

324.587. The object to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

324.590. No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

324.593. The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an application to obtain a license, fraudulently obtaining a permit, alteration or a permit, or unauthorized use of a permit will render the permit void.

324.596. All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

324.602. The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

324.605. Any person violating sections 324.560 to 324.605 or the regulations of the department governing housemoving shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 13*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 59, Section 324.475, Line 12, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 59, Section 324.475, Line 14, by striking the closing bracket "]" on said line; and

Further amend said bill, Page 64, Section 324.484, Line 11, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 64, Section 324.484, Line 12, by striking the closing bracket "]" on said line.

*Senate Amendment No. 14*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 2, In the Title, Line 2 of said page, by inserting immediately after "sections" the following: ", with an emergency clause"; and

Further amend said bill, page 163, section 2, line 7, by inserting immediately after said line the following:

**"Section 1. 1. A physician, licensed pursuant to chapter 334, RSMo, otherwise lawfully prescribing or authorizing a refill of a prescription for any medication other than a controlled substance at any time during normal business hours during the period beginning December 1, 1999, and ending December 31, 1999, may upon request of the patient make such prescription or refill authorization for such a supply of the medication as will be sufficient to continue the treatment at least until the end of such treatment, but such supply shall not be for a longer time period than March 31, 2000, provided that:**

**(1) The patient's condition for which the medication is prescribed as treatment is chronic or the medication is likely to be appropriate as treatment for the patient's condition at least until the end of such treatment; and**

**(2) The interruption of the supply of the medication before March 31, 2000, may cause substantial physical or mental discomfort or undesirable health consequences for the patient; and**

**(3) The physician does not employ this provision more than once for the same medication for the patient.**

**2. This section shall expire and be of no force and effect on and after May 1, 2000.**

**Section 2. 1. Any coverage for prescription medication provided under any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state before, on, or after July 1, 1999, by a health care corporation, health maintenance organization, accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, or similar entity which would otherwise extend to medications prescribed pursuant to this section 1 of this act but for a limitation on the number of days' supply of medication covered under such plan, policy, or contract, shall be deemed to extend to medications prescribed pursuant to section 1 of this act notwithstanding the limitations of such plan, policy, or contract. If for purposes of applying any deductibles under such coverage a new plan year begins at any time during the period of December 1, 1999, through March 31, 2000, any amount of supply of such prescribed medication which is for use after such new plan year begins shall be applied toward the deductible for such new plan year without regard to the date the prescription was filled or refilled.**

**2. This section shall expire and be of no force and effect on and after May 1, 2000.**

**Section B. Because of the immediate need to address year-2000 compliance issues, sections 1 and 2 this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and these sections shall be in full force and effect upon its passage and approval."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 15*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 3, Section A, Line 37, by inserting immediately after said line the following:

"190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

**6. All persons transported in a supine position in a vehicle other than an ambulance shall be attended by an EMT-P licensed pursuant to this section. Notwithstanding any law to the contrary all patients shall be transported in an ambulance. The department shall promulgate rules regarding the provisions of this subsection."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*

to

*Senate Amendment No. 15*

AMEND Senate Amendment No. 15 to Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 3, Line 1, by inserting after the word "subsection" the following: **"This subsection shall only apply to vehicles transporting persons for a fee."**

*Senate Amendment No. 16*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 154, Section 431.180, Lines 3-5, by striking all of said lines and inserting in lieu thereof the following: "pursuant to the terms of the contract."

*Senate Amendment No. 18*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 100, Section 329.190, Line 6, by striking the words "fifty dollars" and inserting in lieu thereof the following: **"eighty percent of the federal per diem established by the Internal Revenue Service for Jefferson City, Missouri"; and**



Further amend line 7, by striking the following: "within the state,".

*Senate Amendment No. 19*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 46, Section 324.228, Lines 1-6, by striking all of said lines and inserting in lieu thereof the following:

"324.228. Any rule or portion of a rule, as that term is defined in section 536.010,"; and

Further amend said bill, Pages 49-50, Section 324.245, Lines 24-29, by striking all of said lines and inserting in lieu thereof the following:

"3. Any rule or portion of a rule, as that term is defined in section 536.010,"; and

Further amend said bill, Page 68, Section 324.522, Lines 15-17, by striking all of said lines and inserting in lieu thereof the following:

"3. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 324.520 to 324.524 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 74, Section 327.041, Lines 18-20, by striking all of said lines and inserting in lieu thereof the following: "the provisions of this chapter. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 118, Section 334.850, Line 25, by inserting at the end of said line the following: "**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 334.800 to 334.930 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 127, Section 335.036, Line 27, by inserting an opening bracket "[" immediately before the word "promulgated"; and

Further amend said bill, Page 128, Section 335.036, Line 28, by inserting a closing bracket "]" immediately after the word and period "RSMo."; and

Further amend said bill, Page 128, Section 335.036, Lines 43-45, by striking all of said lines and inserting in lieu thereof the following:

"5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it**



complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 139, Section 336.130, Line 38, by inserting after all of said line the following:

**"5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.";** and

Further amend said bill, Page 140, Section 337.050, Lines 65-66, by striking all of said lines and inserting in lieu thereof the following: "337.090. [No rule shall be adopted except in accordance with the procedures set forth in chapter 536, RSMo.] The committee may promulgate, by rule, "Ethical Rules of"; and

Further amend said bill, Page 150, Section 339.120, Lines 45-47, by striking all of said lines and inserting in lieu thereof the following:

**"4. [No rule or portion of a rule promulgated under the authority of sections 339.010 to 339.180 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 339.010 to 339.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.";** and

Further amend said bill, Page 163, Section 620.010, Lines 283-285, by striking all of said lines and inserting in lieu thereof the following:

**"[20. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] 17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**

*Senate Amendment No. 20*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 148, Section 338.060, Line 43, by inserting after all of said line the following:

**"338.065. 1. After August 28, 1990, at such time as the final trial proceedings are concluded whereby a licensee or registrant has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution pursuant to the laws of the state of Missouri, the laws of any other state, territory or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a licensee or registrant pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board of pharmacy may hold a disciplinary hearing to singly or in combination censure or place the [pharmacist] licensee or registrant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, registration or permit.**

2. Anyone who has been revoked or denied a license, permit or certificate to practice in another state may automatically be denied a license or permit to practice in this state. However, the board of pharmacy may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable file in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, [numbering, dating and filing them in the order in which they are compounded or dispensed] **according to and in compliance with standards provided by the board**, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescriber, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives.

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo." and

Further amend said bill, page 150, section 339.120, line 47, by inserting after all of said line the following:

"338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate or maintain any pharmacy, as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital outpatient pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Home health care;
- (5) Class E: Radiopharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile Product Compounding;**
- (9) Class I: Consultant Services.**

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly."; and further amend the title and enacting clause accordingly.

*Senate Amendment No. 21*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 68, Section 324.524, Line 11, by inserting immediately after said line the following:

"3. The provisions of sections 324.560 through 324.605 shall not apply to manufactured homes or modular homes as defined in Section 700.010.".

*Senate Amendment No. 22*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 1, In the Title, Line 21, by deleting the word "forty-nine" and inserting in lieu thereof the word "fifty"; and



Further amend said bill, Page 2, In the Title, Lines 1 and 2 of said page, by deleting the following: "and an expiration date for certain sections" and inserting in lieu thereof the following: ", an expiration date for certain sections and an emergency clause for a certain sections"; and

Further amend said bill, Page 163, Section 2, Line 7, by inserting after all of said line the following:

"Section B. One new sections is enacted, to be known as section 3, to read as follows:

**Section 3. Notwithstanding any other provision of law to the contrary, a temporary license may be issued for no more than a twelve-month period by the appropriate licensing board to any otherwise qualified health care professional licensed in another state and who meets such other requirements as the licensing board may prescribe by rule and regulation, if the health care professional:**

**(1) Is acting pursuant to federal military orders under Title X for active duty personnel or Title XXII for military reservists; and**

**(2) Is enrolled in an accredited training program for trauma treatment and disaster response in a hospital in this state.**

Section C. Because immediate action is necessary to provide temporary licensing for out-of-state health care professionals who are to be enrolled in a disaster training program pursuant to federal orders, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

*Senate Amendment No. 23*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 107, Section 332.316, Line 26, by inserting after all of said line the following:

"332.321. 1. The board may refuse to issue any certificate of registration or authority, permit or license, or refuse to renew any such certificate of registration or authority, permit or license, required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section **or the board may, as a condition to issuing or renewing any such certificate of registration or authority, permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327.** The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his **or her** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his **or her** certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution [under] **pursuant to** the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated [under] **pursuant to** this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment which is greater than that to which [he] **the person** is entitled;

(e) Abrogating the copayment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the holder of a

license and an insurance company, health service corporation or health maintenance organization licensed [under] **pursuant to** the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudicated incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice [under] **pursuant to** this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or by any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(c) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee which can be charged for the specified service, including all related or incidental services, modified by the term "up to" if desired;

(e) Any announcement in any form including the term "specialist" or the phrase "limited to the specialty of" unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that [he] **the person** is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of .....";

(g) Any announcement containing any terms denoting or implying specialty areas which are not recognized by the American Dental Association;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Failing to maintain his **or her** office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting or tendering or paying "rebates" to or "splitting fees" with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation organized [under] **pursuant to** the provisions of chapter 356, RSMo, from distributing profits in accordance with his **or her** stated agreement;

(19) Administering, causing or permitting to be administered, nitrous oxide gas in any amount to himself **or herself**; or to another unless this administration is done as an adjunctive measure to patient management;



(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him **or her**, unless the failure was due to circumstances beyond his **or her** control. A dentist, specialist or hygienist whose right to practice has been affected [under] **pursuant to** this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he **or she** can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding [under] **pursuant to** this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings [under] **pursuant to** this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his **or her** application for a license; permanently withholding issuance of a license; administering a public or private reprimand; suspending or limiting or restricting his **or her** license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his **or her** license to practice as a dentist, specialist or hygienist; requiring him **or her** to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; **or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327.** For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) May suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third party payor who shall have paid in whole or in part a claim or payment which they should be reimbursed for where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one which was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. Notwithstanding any other provisions of section 332.071 or of this section, a duly registered and currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices in violation of this section or violate any other provision of this chapter.

5. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of [his] **the attorney general's** assistants designated by [him] **the attorney general** or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

6. If at any time when any disciplinary sanctions have been imposed [under] **pursuant to** this section or [under] **pursuant to** any provision of this chapter, the licensee removes himself **or herself** from the state of Missouri, ceases to be currently licensed [under] **pursuant to** the provisions of this chapter, or fails to keep the Missouri dental board advised of his **or her** current place of business and residence, the time of his **or her** absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

**332.327. 1. The board may establish an impaired dentist or dental hygienist committee, to be designated as the well-being committee, to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining a committee to be designated as the well-being committee. The board may promulgate administrative rules subject to the provisions of this section and chapter 536, RSMo, to effectuate and implement any committee formed pursuant to this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee formed pursuant to this section. Any member of the well-being committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of**

any statement, decision, opinion, investigation or action taken by the committee, or by any individual member of the committee.

2. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the well-being committee, as well as communications to or from the committee, any findings, conclusions, interventions, treatment, rehabilitation or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential.

3. All records and proceedings of the well-being committee which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records pursuant to chapter 610, RSMo, and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal or administrative proceedings except as provided in subsection 4 of this section.

4. The well-being committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board; or

(4) The information is subject to a court order."; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 24*

AMEND Senate Committee Substitute for House Committee Substitute for House bill No. 343, Page 133, Section 335.061, Line 1, by inserting after the number "335.061." the number "1."; and

Further amend said bill, Page 133, Line 5, by deleting the words "[an inactive]" and inserting in lieu thereof the words "an inactive"; and

Further amend said bill, Page 133, Line 6, by deleting the words "a lapsed"; and

Further amend said bill, Page 133, Line 9, by inserting after all of said line the following:

**"2. Any licensee who allows his or her license to lapse by failing to renew the license as provided in sections 335.011 to 335.096 shall be reinstated as provided by this chapter and by rule and regulation. The board may by rule and regulation provide for a lapsed license status. In the event the board shall refuse to renew the license pursuant to one of the provisions of this section and related requirements for relicensure, the individual may appeal to the administrative hearing commission pursuant to the provisions of sections 621.120, RSMo."**

#### *Senate Amendment No. 25*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by inserting after all of said line the following:

**"Section 3. 1. The president or secretary of the board of nursing may administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records. Subpoenas, including subpoenas duces tecum, shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.**

**2. The board may enforce its subpoenas, including subpoena duces tecum, by applying to a circuit court of Cole County, the county of the investigation, hearing or proceeding, or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which such order and a copy of the application therefore shall be served upon the person in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court."; and**

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HB 852**, entitled:

An act to repeal sections 600.042, 632.483, 632.489, 632.492, 632.495, 632.507 and 632.510, RSMo Supp. 1998, relating to civil commitment of sexually violent predators, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

#### **RE-APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS SCS SBs 31 & 285**: Representatives Seigfreid, Days, Backer, Long and Hendrickson

#### **BILLS CARRYING REQUEST MESSAGES**

**SB 196, as amended**, relating to Kansas City police retirement, was taken up by Representative Rizzo.

Representative Rizzo moved that the House refuse to recede from its position on **HCS SB 196** and request the Senate to grant the House a conference.

Which motion was adopted.

**SCS HS HCS HB 852**, relating to civil commitment, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuse to adopt **SCS HS HCS HB 852** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

Speaker Gaw resumed the Chair.

**SCS HCS HB 343, as amended**, relating to licensing of various professions, was taken up by Representative Treadway.

Representative Treadway moved that the House refuse to adopt **SCS HCS HB 343, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SB 336**, entitled:

An act to amend chapter 375, RSMo, by adding thereto one new section relating to contracts of personal liability insurance.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in **HCA 1** for **SCR 14** and has taken up and adopted **SCR 14, as amended**.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following conference committee to act with a like committee from the House on **HCS SCS SBs 31 & 285, as amended**. Senators: Howard, Maxwell, Caskey, Flotron and Rohrbach.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 139, as amended**, and grants the House a conference thereon and further that the conferees are allowed to exceed the differences on SA 6 and in the definition of population as it appears in the HCS.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Johnson, Wiggins, Stoll, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HS HB 450, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Maxwell, Quick, Goode, Graves and Yeckel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 541**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 20, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report #2 on **HCS SCS SBs 31 & 285, as amended**, and has taken up and passed **CCS#2 HCS SCS SBs 31 & 285**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SB 76, as amended**, and has taken up and passed **SB 76**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 386, as amended**, and has taken up and passed **HCS SCS SB 386, as amended**.

Emergency clause adopted.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SS SCS HCS HB 888**: Representatives Leake, Williams (159), Wiggins, Hegeman and Klindt

**SCS HCS HB 139**: Representatives Overschmidt, Leake, Wiggins, Long and Berkstresser

**SS SCS HS HB 450**: Representatives Relford, Wiggins, Days, Graham (106) and McClelland

#### **REFERRAL OF HOUSE RESOLUTION**



The following House Resolution was referred to the Committee indicated:

**HR 1366** - Critical Issues

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SCS SBs 322, 150 & 151** - Fiscal Review (Fiscal Note)

**HCS SCS SB 282** - Fiscal Review (Fiscal Note)

#### **COMMITTEE REPORT**

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 180**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE BILL NO. 76**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Bill No. 76, with House Amendments Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 76, with House Amendments Nos. 1, 2, 3 and 4; and
2. That Senate Bill No. 76 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ O. L. Shelton /s/ J. B. "Jet" Banks

/s/ Derio Gambaro /s/ William Clay

/s/ Paula J. Carter /s/ Joe Maxwell

/s/ Chuck Gross /s/ Sam Graves

/s/ Jon Bennett /s/ Roseann Bentley

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

## **HOUSE BILL NO. 65**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Substitute for Senate Committee Substitute for House Bill No. 65, with Senate Amendments Nos. 1, 2, 3 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 65, as amended;
2. That the House recede from its position on House Bill No. 65; and
3. The attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 65 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Jim O'Toole /s/ John E. Scott

/s/ Bill Skaggs /s/ Jim Mathewson

/s/ Mary Hagan-Harrell /s/ Danny Staples

/s/ T. Mark Elliott /s/ Walt Mueller

/s/ Ken Legan /s/ Betty Sims

## **CONFERENCE COMMITTEE REPORT NO. 2**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILLS NOS. 31 & 285**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 31 & 285; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 & 285 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Jim Seigfreid /s/ Jerry Howard

/s/ Rita Days /s/ Harold L. Caskey

/s/ Gracia Backer /s/ Joe Maxwell

/s/ Beth Long /s/ Franc Flotron

/s/ Carl Hendrickson /s/ Larry Rohrbach

CONFERENCE COMMITTEE REPORT

ON

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 888

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, as amended by Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5 and Senate Substitute Amendment No. 1 for Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 1, Senate Amendment No. 5, and Senate Substitute Amendment No. 1 for Senate Amendment No. 7;
2. That the House recede from its position on Senate Amendment No. 2 and Senate Amendment No. 3 and on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888.
3. That additional Conference Committee Amendment Nos. 1 and 2 be adopted.
4. That Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, as amended by Senate Amendment No. 2, Senate Amendment No. 3, Conference Committee Amendment No. 1 and Conference Committee Amendment No. 2, be adopted and truly agreed and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sam Leake /s/ James Mathewson

/s/ David Klindt /s/ Sidney Johnson

/s/ Marilyn Williams /s/ Harold L. Caskey

/s/ Daniel Hegeman /s/ Morris Westfall

/s/ Gary Wiggins /s/ Sam Graves

*Conference Committee Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 3, Section 348.406, Lines 25 to 26 of said page, by deleting ", **equity investments**"; and

Further amend said bill, Page 4, Section 348.406, Lines 2 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the word "community."

*Conference Committee Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.406, Lines 8 to 11 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect**

the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."

#### WITHDRAWAL OF HOUSE BILLS

May 10, 1999

The Honorable Steve Gaw, Speaker  
Room 308, State Capitol  
Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request that **House Bill 602** and **House Bill 705** be withdrawn from further consideration.

Thank you for your time and attention to this matter.

Sincerely,

/s/ Larry Crawford  
District 117

#### ADJOURNMENT

On motion of Representative Foley, the House adjourned until 9:00 a.m., Tuesday, May 11, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-sixth Day, Friday, May 7, 1999, pages 1840 and 1841, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".

Page 1842, roll call, by showing Representatives Chrismer, Days and Selby voting "aye" rather than "absent with leave".

Pages 1842 and 1843, roll call, by showing Representatives Crawford and Reynolds voting "aye" rather than "absent with leave".

Pages 1843 and 1844, roll call, by showing Representative Bartle voting "no" rather than "absent with leave".

Pages 1844 and 1845, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 1845 and 1846, roll call, by showing Representative Secrest voting "no" rather than "absent with leave".

Page 1847, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1848 and 1849, roll call, by showing Representatives Barnett, Berkstresser, Dolan, Franklin, Richardson and Surface voting "aye" rather than "absent with leave".

Pages 1850 and 1851, roll call, by showing Representatives Levin and Surface voting "aye" rather than "absent with leave".



Page 1851, roll call, by showing Representatives Luetkenhaus, Patek and Surface voting "aye" rather than "absent with leave".

Page 1852, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Page 1853, roll call, by showing Representatives Campbell, Luetkemeyer, Richardson, Surface and Wagner voting "aye" rather than "absent with leave".

Pages 1854 and 1855, roll call, by showing Representative Kissell voting "aye" rather than "absent with leave".

Pages 1854 and 1855, roll call, by showing Representatives Bartelsmeyer, Davis (63), Franklin, George, Naeger, Surface and Wagner voting "no" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **ACCOUNTS, OPERATIONS, AND FINANCE**

Wednesday, May 12, 1999. Room 414. Executive session to follow.

To be considered - SCR 20

### **CRITICAL ISSUES**

Tuesday, May 11, 1999. Side gallery upon morning adjournment. Executive session will follow.

To be considered - HR 1366

### **FISCAL REVIEW**

Tuesday, May 11, 1999, 8:30 am. North side gallery. Executive session. AMENDED NOTICE.

To be considered - SB 160

### **FISCAL REVIEW**

Tuesday, May 11, 1999, 12:00 pm. North side gallery upon noon adjournment. Executive session.

### **FISCAL REVIEW**

Tuesday, May 11, 1999, Upon evening adjournment. North side gallery. Executive Session.

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Wednesday, May 12, 1999. Senate Lounge upon evening adjournment.

Dept. of Elementary and Secondary Education. 5 CSR 80-805.015

### **JOINT COMMITTEE ON CAPITAL IMPROVEMENTS**

Tuesday, May 11, 1999, 8:00 am. Hearing Room 6.

## **HOUSE CALENDAR**

SIXTY-EIGHTH DAY, TUESDAY, MAY 11, 1999

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

- 3 HJR 35 - Williams (121)
- 4 HCS HJR 4 & 21 - Graham (24)
- 5 HJR 30 - Shelton
- 6 HJR 32 - O'Connor

#### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 769, as amended - Bray
- 2 HCS HB 934 - Treadway
- 3 HCS HB 456 - Fitzwater
- 4 HB 856 - Ford
- 5 HCS HB 640 - Campbell
- 6 HCS HB 354 - Barry
- 7 HCS HB 709 - Leake
- 8 HB 844 - Gratz
- 9 HB 519 - Relford
- 10 HCS HB 535 - May (108)
- 11 HB 406 - Mays (50)
- 12 HB 146, HCA 1 - Wiggins
- 13 HB 787 - Wiggins
- 14 HB 59, HCA 1 - Boucher
- 15 HB 699, HCA 1 - Kreider
- 16 HCS HB 142 - Campbell
- 17 HCS HB 488, 206 & 357 - May (108)
- 18 HB 85 - Troupe
- 19 HCS HB 200 - Troupe
- 20 HCS HB 89 - Troupe
- 21 HB 717 - Harlan
- 22 HCS HB 160 - O'Toole
- 23 HCS HB 730 - Leake
- 24 HCS HB 194 - Reynolds
- 25 HCS HB 908 - McBride
- 26 HB 105 - Scheve
- 27 HCS HB 54 - Boucher
- 28 HB 1021 - Boucher
- 29 HB 919 - Harlan

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 351 & 295, HS, as amended, pending - Scheve
- 2 HCS HB 643, 710 & 711 - Bray
- 3 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

#### **SENATE BILL FOR SECOND READING**

SS#2 SB 336

#### **SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 HCS SCS SCR 15, (4-29-99, pg. 1633) - McBride

2 SCR 19, (5-5-99, pg. 1750) - Monaco

#### **SENATE BILLS FOR THIRD READING**

1 HCS SCS SB 61 - Hoppe

2 HCS SS SCS SB 335, HS, as amended, pending - Parker

3 HCS SS SCS SB 160 & 82, E.C., (Fiscal Review 5-3-99) - Hoppe

4 HCS SS SB 373 - Crump

5 SCS SB 498 - O'Connor

6 HCS SB 518 - Rizzo

7 HCS SS SCS SB 1, 92, 111, 129 & 222, (Fiscal Review 5-4-99) - May (108)

8 HCS SCS SB 387, 206 & 131 - Gunn

9 SCS SB 211 - Riback Wilson

10 SS SCS SB 19, HCA 1, E.C. - Koller

11 HCS SS SB 289 - Days

12 HCS SCS SB 394 - Hoppe

13 SCS SB 325, HCA 1 - Treadway

14 HCS SB 371 - Hosmer

15 HCS SB 180, E.C. - Hagan-Harrell

16 HCS SCS SB 328, 87, 100 & 55 - Hosmer

17 HCS SCS SB 322, 150 & 151, E.C. (Fiscal Review 5-10-99) - Dougherty

18 SB 71

19 HCS SCS SB 282, (Fiscal Review 5-10-99) - Bray

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

1 HCS SS#2 SB 163 - Kelly (27)

2 SB 4 - Thompson (37)

3 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)

4 HCS SCS SB 346 - Days

5 HCS SS SCS SB 14, 60 & 69 - Bray

## **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HB 261, SA 1 - Auer
- 2 SS#3 SCS HS HCS HB 427, 40, 196 & 404 - Luetkenhaus
- 3 SCS HB 401, as amended (Fiscal Review 5-10-99) - Barry
- 4 HS HB 162, SA 1 - Luetkenhaus
- 5 SCS HCS HB 60, as amended - O'Connor

## **BILLS CARRYING REQUEST MESSAGES**

- 1 HCS SB 196, as amended, (House refuse to rec./req. Senate grant House conf.) - Rizzo
- 2 SCS HS HCS HB 852, (Req. Senate recede or grant House conf.) - Hosmer
- 3 SCS HCS HB 343, as amended, E.C. (Req. Senate recede or grant conf.) - Treadway
- 4 HS HCS SB 20, (Req. House recede or grant conf.) - Schilling

## **BILLS IN CONFERENCE**

- 1 HS HCS SCS SB 436, as amended - Hoppe
- 2 CCR HCS SB 219, as amended - Bray
- 3 CCR#2 HS HCS SB 291, as amended, E.C. - Dougherty
- 4 HS HCS SS SCS SB 338, as amended - Harlan
- 5 HCS SS#2 SB 288, as amended - McLuckie
- 6 HS HCS SCS SB 8 & 173, as amended - Ladd Stokan
- 7 CCR SB 76, HAs 1, 2, 3 & 4 - Shelton
- 8 CCR SS SCS HB 65, as amended, E.C. - O'Toole
- 9 CCR#2 HCS SCS SB 31 & 285, as amended, E.C. - Seigfreid
- 10 CCR SS SCS HCS HB 888, as amended, E.C. - Leake
- 11 SCS HCS HB 139, as amended, E.C. - Long
- 12 SS SCS HS HB 450, as amended, E.C. - Relford

## **HOUSE RESOLUTION**

- HR 1168, (5-7-99, pg. 1858) - Hagan-Harrell

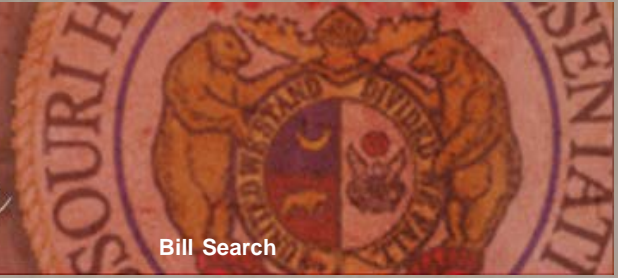


Missouri House of Representatives



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## House Journal

First Regular Session, 90th General Assembly

SIXTY-EIGHTH DAY, Tuesday, May 11, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Donald Lammers.

God our Father, origin of every life and goal of all those who search for truth, be generous toward our prayers this morning and all this week, times of decision making and voting.

Empty us of excessive pride, so that we can welcome with faith the plans of Your divine wisdom. Empty us of our thirst for power, so that we might seek to serve. Empty us of undo ambition for personal gain, so that we might be committed to the common good.

Fill us today with the zeal for the good of our State that we had when first elected. Fill us with a wisdom that will free us to work for everyone, especially the weak. Fill us with the courage to show our respect for every human life, precious in the eyes of the Most High God.

God our Father, hear us as we pray at the beginning of this legislative session. We take courage in knowing that You bend close to hear our prayer whenever we call upon You within our hearts, throughout the work of this day.

Stay with us; move among us; You are Lord of all. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Allison Fouts, Alex Newmaster, Megan Miller, Chasen Moffitt, Alex Bulejski, Carol Pedersen, Nicholas Stolz, Christopher Swanson, Brennan Huffer, Justin Allen, Allison Faber, Ryan Gaterman, Evan Boyle, Lauren Crist, Charity James, Emily Bulejski and Cassie Keller.

The Journal of the sixty-seventh day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1424 - Representative Smith

House Resolution No. 1425 and House Resolution No. 1426 - Representative Champion

House Resolution No. 1427 - Representative Wiggins

House Resolution No. 1428 - Representative Clayton

House Resolution No. 1429 - Representatives Gaw, Kelly (27), Lawson, Shields and Hegeman

House Resolution No. 1430 - Representatives Kasten and Schwab

House Resolution No. 1431 - Representative Kissell

House Resolution No. 1432 - Representatives Nordwald and Griesheimer

House Resolution No. 1433 - Representative Green

House Resolution No. 1434 - Representatives Crawford and Ross

House Resolution No. 1435 through House Resolution No. 1440 - Representative Crawford

House Resolution No. 1441 and House Resolution No. 1442 - Representative Marble

## **SECOND READING OF SENATE BILL**

**SS#2 SB 336** was read the second time.

## **COMMITTEE REPORTS**

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS HB 401 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 1, 92, 111, 129 & 222 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 160 & 82 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Speaker Gaw assumed the Chair.

## **BILLS IN CONFERENCE**

**CCR#2 HS HCS SB 291, as amended**, relating to child support enforcement, was taken up by Representative Dougherty.

Representative Dougherty moved that **CCR#2 HS HCS SB 291, as amended**, be adopted.

Representative Ladd Stokan made a substitute motion to refer **CCR#2 HS HCS SB 291, as amended**, to the Committee on Fiscal Review.

Representative Crump raised a point of order that the motion to refer **CCR#2 HS HCS SB 291, as amended**, to the Committee on Fiscal Review is untimely.

The Chair ruled the point of order well taken.

On motion of Representative Dougherty, **CCR#2 HS HCS SB 291, as amended**, was adopted by the following vote:

AYES: 098

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bennett Berkowitz Blunt

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Clayton Crump

Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Evans Farnen Foley Ford  
Foster Fraser Gambaro George Graham 24  
Gratz Gunn Hagan-Harrell Harlan Hartzler 123  
Hegeman Hickey Hilgemann Holand Hoppe  
Hosmer Kasten Kelly 27 Kennedy Kissell  
Kreider Lakin Lawson Leake Liese  
Luetkemeyer Luetkenhaus Mays 50 McBride McClelland  
McKenna McLuckie Miller Monaco Murray  
Myers Naeger O'Connor Ostmann Overschmidt  
Parker Ransdall Relford Richardson Rizzo  
Ross Scheve Schilling Schwab Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Thompson 37 Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 060

Akin Bartelsmeyer Bartle Berkstresser Black  
Boatright Burton Chrismer Cierpiot Crawford  
Elliott Enz Fitzwater Froelker Gaskill  
Gibbons Graham 106 Green Griesheimer Gross  
Hampton Hanaway Hartzler 124 Hendrickson Hohulin  
Howerton Kelley 47 King Klindt Koller  
Legan Levin Linton Lograsso Long  
Loudon Marble Merideth Murphy Nordwald  
O'Toole Patek Pouche Pryor Purgason  
Reid Reinhart Reynolds Ridgeway Riley  
Robirds Sallee Scott Stokan Summers  
Surface Thompson 72 Townley Treadway Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Franklin Hollingsworth May 108

VACANCIES: 002

On motion of Representative Dougherty, **CCS#2 HS HCS SB 291** was truly agreed to and finally passed by the following vote:

AYES: 130

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bennett Berkowitz  
Black Blunt Bonner Boucher Boykins  
Bray 84 Britt Campbell Carter Chrismer  
Cierpiot Clayton Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Gambaro George  
Gibbons Graham 106 Graham 24 Gratz Green  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hoppe Hosmer Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Kreider Lakin Lawson Leake  
Legan Levin Liese Long Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Ransdall Reid  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 37 Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 024

Bartelsmeyer Bartle Berkstresser Boatright Burton  
Champion Crawford Froelker Griesheimer Hanaway  
Hohulin Koller Linton Lograsso Loudon  
Marble Merideth Murphy Patek Purgason  
Ridgeway Stokan Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Franklin Gaskill Hollingsworth Kelly 27 Miller  
Pryor Scott

VACANCIES: 002



Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 131

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bennett Berkowitz Blunt

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Fraser Gambaro George Gibbons

Graham 106 Graham 24 Gratz Green Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

Kissell Klindt Kreider Lakin Lawson

Leake Legan Levin Liese Long

Loudon Luetkemeyer Luetkenhaus May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Ransdall Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 028

Akin Bartelsmeyer Bartle Berkstresser Black

Boatright Burton Chrismer Froelker Griesheimer

Hohulin King Koller Linton Lograsso

Marble Miller Murphy Patek Pouche

Pryor Purgason Reid Reinhart Sallee

Stokan Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 002

Franklin Gaskill

VACANCIES: 002

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**CCR HCS SB 219, as amended**, relating to property taxation, was taken up by Representative Bray.

On motion of Representative Bray, **CCR HCS SB 219, as amended**, was adopted by the following vote:

AYES: 085

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Froelker Gambaro George Graham 24 Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Monaco

Murray O'Connor O'Toole Overschmidt Parker

Ransdall Relford Reynolds Riley Rizzo

Scheve Schilling Seigfreid Selby Shelton

Skaggs Smith Stokan Thompson 37 Thompson 72

Treadway Troupe Van Zandt Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 075

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans  
Foster Gaskill Gibbons Graham 106 Gratz  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hendrickson Hohulin Holand Howerton Kasten  
Kelley 47 King Klindt Legan Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Marble McClelland Merideth Miller Murphy  
Myers Naeger Nordwald Ostmann Patek  
Pouche Pryor Purgason Reid Reinhart  
Richardson Ridgeway Robirds Ross Sallee  
Schwab Scott Secrest Shields Summers  
Surface Townley Tudor Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 001

Hegeman

VACANCIES: 002

On motion of Representative Bray, **CCS HCS SB 219** was truly agreed to and finally passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Marble May 108

Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 003

Lakin Luetkenhaus Richardson

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative May (108), title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative McKenna moved that motion lay on the table.

The latter motion prevailed.

**CCR#2 HCS SCS SBs 31 & 285, as amended**, relating to campaign finance administration, was taken up by Representative Seigfreid.

On motion of Representative Seigfreid, **CCR#2 HCS SCS SBs 31 & 285, as amended**, was adopted by the following vote:

AYES: 131

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Berkstresser Black Bonner Boucher Britt  
Burton Campbell Carter Champion Cierpiot  
Clayton Crump Daniel Davis 122 Davis 63



Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Fraser Gambaro Gaskill George  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Miller Monaco Murray Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Purgason Ransdall Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schwab  
Scott Secrest Seigfreid Shelton Shields  
Skaggs Smith Stokan Surface Thompson 37  
Thompson 72 Townley Troupe Tudor Van Zandt  
Vogel Ward Wiggins Williams 121 Williams 159  
Mr. Speaker

NOES: 028

Ballard Bartle Blunt Boatright Boykins  
Bray 84 Chrismer Crawford Froelker Gibbons  
Gross Harlan Hohulin King Loudon  
Merideth Murphy Myers Patek Pryor  
Reid Schilling Selby Summers Treadway  
Wagner Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 002

Franklin Lakin

VACANCIES: 002

On motion of Representative Seigfreid, **CCS#2 HCS SCS SBs 31 & 285** was truly agreed to and finally passed by the following vote:

AYES: 128

Abel Akin Alter Auer Backer  
Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser  
Bonner Boucher Boykins Britt Burton  
Campbell Carter Champion Cierpiot Clayton  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Fraser Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gunn Hagan-Harrell Hampton Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy Kissell Klindt  
Koller Kreider Lawson Leake Legan  
Levin Liese Lograsso Long Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Miller Monaco Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schwab Scott Secrest  
Seigfreid Shelton Shields Skaggs Smith  
Surface Thompson 37 Thompson 72 Townley Troupe  
Van Zandt Vogel Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 029

Ballard Barnett Bartle Black Blunt  
Boatright Bray 84 Chrismer Crawford Froelker  
Gross Hanaway Harlan Hohulin King  
Loudon Luetkemeyer Merideth Murphy Myers  
Patek Pryor Schilling Selby Summers  
Treadway Tudor Wagner Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Franklin Lakin Linton Stokan

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Abel Akin Alter Auer Backer

Barry 100 Bartelsmeyer Bennett Berkowitz Berkstresser

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Fraser Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hartzler 123 Hartzler 124 Hendrickson Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Ransdall Reid Reinhart Relford Reynolds

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shelton Shields Skaggs Smith

Stokan Surface Thompson 37 Thompson 72 Townley

Troupe Tudor Van Zandt Vogel Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 028

Ballard Barnett Bartle Black Blunt

Boatright Bray 84 Froelker Hanaway Harlan

Hohulin King Lograsso Loudon Luetkemeyer

Merideth Murphy Myers Patek Pryor

Purgason Richardson Ridgeway Selby Summers

Treadway Wagner Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Franklin Green Hegeman

VACANCIES: 002

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**CCR SS SCS HCS HB 888, as amended**, relating to rural agricultural businesses, was taken up by Representative Leake.

Representative Leake offered corrected **Conference Committee Amendment No. 1**.

*Conference Committee Amendment No. 1*

*(Corrected)*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 3, Section 348.407, Lines 25 to 26 of said page, by deleting ", **equity investments**"; and

Further amend said bill, Page 4, Section 348.407, Lines 2 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the word "community."; and

Further amend said bill, Page 4, Section 348.407, Lines 23 to 24 of said page, by deleting the following: ", **equity investments**".

On motion of Representative Leake, **Conference Committee Amendment No. 1** was adopted.

Representative Leake offered corrected **Conference Committee Amendment No. 2**.

*Conference Committee Amendment No. 2*

*(Corrected)*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.407, Lines 8 to 11 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**

On motion of Representative Leake, **Conference Committee Amendment No. 2** was adopted.

On motion of Representative Leake, **CCR SS SCS HCS HB 888, as amended**, was adopted by the following vote:



AYES: 157

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Backer Franklin Hartzler 123 Parker

VACANCIES: 002

On motion of Representative Leake, **SS SCS HCS HB 888, as amended by the CCR**, was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Richardson

Riley Rizzo Robirds Ross Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Backer Kelly 27 Marble Parker Reynolds

Ridgeway Sallee

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 146

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Luetkemeyer Luetkenhaus

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reid Reinhart

Relford Reynolds Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 011

Bartle Cierpiot Evans Gross Hendrickson

Hohulin Loudon Pryor Richardson Ridgeway

Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Backer Gaskill Lograsso Marble

VACANCIES: 002

On motion of Representative Campbell, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Boykins moved that motion lay on the table.

The latter motion prevailed.

**CCR SB 76**, relating to collection of delinquent taxes, was taken up by Representative Shelton.

On motion of Representative Shelton, **CCR SB 76** was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus May 108



Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Ridgeway Riley Rizzo  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Selby Shelton Shields  
Skaggs Smith Summers Surface Thompson 37  
Thompson 72 Townley Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 006

Ballard Foster Kennedy King Robirds  
Treadway

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Berkstresser Marble Richardson Seigfreid  
Stokan

VACANCIES: 002

On motion of Representative Shelton, **SB 76** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 005

Ballard Kennedy King O'Toole Treadway

PRESENT: 000

ABSENT WITH LEAVE: 005

Backer Crawford Franklin Kelly 27 Robirds

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**HB 261, with Senate Amendment No. 1**, relating to transportation sales taxation, was taken up by Representative Auer.

Representative Auer moved that the House refuse to concur in **Senate Amendment No. 1 to HB 261** and request the Senate to recede from their position and take up and pass the bill.

Which motion was adopted.

**SS#3 SCS HS HCS HBs 427, 40, 196 & 404**, relating to infanticide, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **SS#3 SCS HS HCS HBs 427, 40, 196 & 404** was adopted by the following vote:

AYES: 126

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Britt Burton

Champion Chrismer Cierpiot Crawford Crump

Davis 122 Dolan Dougherty Elliott Enz

Evans Farnen Foley Foster Froelker

Gambaro Gaskill George Gibbons Graham 106

Gratz Green Griesheimer Gross Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hohulin Holand Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Reynolds Richardson Rizzo Robirds

Ross Sallee Schwab Scott Secrest

Seigfreid Selby Shields Smith Stokan

Summers Surface Townley Treadway Tudor

Vogel Wagner Ward Wiggins Williams 159

Wright

NOES: 034

Boykins Bray 84 Campbell Carter Clayton

Daniel Davis 63 Days Fitzwater Ford

Franklin Fraser Graham 24 Gunn Hagan-Harrell

Harlan Hilgemann Hollingsworth Lakin Mays 50

McLuckie Relford Riley Scheve Schilling

Shelton Skaggs Thompson 37 Thompson 72 Troupe

Van Zandt Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 001

Ridgeway

VACANCIES: 002

On motion of Representative Luetkenhaus, **SS#3 SCS HS HCS HBs 427, 40, 196 & 404** was truly agreed to and finally passed by the following vote:

AYES: 127

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Britt Burton

Champion Chrismer Cierpiot Crawford Crump

Davis 122 Dolan Dougherty Elliott Enz

Evans Farnen Foley Foster Froelker

Gambaro Gaskill George Gibbons Graham 106

Gratz Green Griesheimer Gross Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hohulin Holand Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 McBride McClelland

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Schwab Scott

Secrest Seigfreid Selby Shields Smith

Stokan Summers Surface Townley Treadway

Tudor Vogel Wagner Ward Wiggins

Williams 159 Wright

NOES: 033

Boykins Bray 84 Campbell Carter Clayton



Daniel Davis 63 Days Fitzwater Ford

Franklin Fraser Graham 24 Gunn Hagan-Harrell

Harlan Hilgemann Hollingsworth Lakin Mays 50

McLuckie Riley Scheve Schilling Shelton

Skaggs Thompson 37 Thompson 72 Troupe Van Zandt

Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 001

Ridgeway

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Crump, the House recessed until 2:30 p.m.

#### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

#### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1443 - Representative Black

House Resolution No. 1444 - Representative Williams (159)

House Resolution No. 1445 - Representative May (108)

House Resolution No. 1446 - Representative Treadway

House Resolution No. 1447 - Representative Foley

House Resolution No. 1448 through House Resolution No. 1462 - Representative Kelley (47)

House Resolution No. 1463 - Representative Richardson

House Resolution No. 1464 - Representative Pryor

House Resolution No. 1465 - Representative Hartzler (124)

House Resolution No. 1466 - Representative McBride

#### **SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

**HCS SCS SCR 15**, relating to wild elk, was taken up by Representative McBride.

On motion of Representative McBride, **HCS SCS SCR 15** was adopted.

On motion of Representative McBride, **HCS SCS SCR 15** was read the third time and passed by the following vote:

AYES: 152

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Black Blunt Boatright Bonner

Boucher Boykins Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kelley 47 Kelly 27 Kennedy Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Akin Berkstresser Bray 84 Green Kasten

King Pouche Ridgeway Sallee

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative O'Connor moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SCR 19**, relating to the George Brett highway, was taken up by Representative Monaco.

On motion of Representative Monaco, **SCR 19** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Griesheimer Gross Gunn Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 003

Farnen Hickey Seigfreid

PRESENT: 000

ABSENT WITH LEAVE: 006

Abel Bray 84 Gibbons Green Hagan-Harrell

Ridgeway

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 399**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 472**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 988**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up adopted **HS HCS SCS SBs 295 & 46, as amended**, and has taken up and passed **HS HCS SCS SBs 295 & 46, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SB 326**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon and further that the Conferees are allowed to exceed the differences.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 343, as amended**, and grants the House a conference thereon.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HCS HB 852** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HAs 1, 2, 3, 4, 6 and 7** to **SB 294** , and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 343, as amended**: Senators Caskey, Quick, DePasco, Westfall and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HS HCS HB 852**: Senators Caskey, Banks, Scott, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up adopted the Conference Committee Report on **SS SCS HCS HB 888, as amended**, and has taken up and passed **SS SCS HCS HB 888, as amended by the CCR**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SB 32** and has taken up and passed **HS SB 32**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 196, as amended**, and grants the House a conference and further that the President Pro Tem has appointed a conference committee to act with a like committee from the House. Senators: DePasco, Scott, Staples, Mueller and Singleton.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SCS HCS HB 343**: Representatives Treadway, Foley, O'Connor, Hegeman and Dolan

**SCS HS HCS HB 852**: Representatives Hosmer, Gaw, Smith, Gibbons and Dolan

**HCS SB 196**: Representatives Rizzo, Scheve, Foley, Ross and Vogel

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HB 401, as amended**, relating to screening for hearing loss in newborns, was taken up by Representative Barry.

On motion of Representative Barry, **SCS HB 401, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 24  
Gratz Griesheimer Gross Gunn Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Franklin Graham 106 Green Hagan-Harrell

Kelley 47 Mays 50 Ridgeway

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Ward, title to the bill was agreed to.

Representative Williams (159) moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**SCS HCS HB 60, as amended**, relating to military license plates, was taken up by Representative O'Connor.

Representative O'Connor moved that **SCS HCS HB 60, as amended**, be adopted.

**SCS HCS HB 60, as amended, with motion to adopt SCS HCS HB 60, as amended, pending**, was laid over.

#### **BILLS CARRYING REQUEST MESSAGES**

**HS SB 326**, relating to nursing facility reimbursement allowance, was taken up by Representative Harlan.

Representative Harlan moved that the House refuse to recede from its position on **HS SB 326** and grant the Senate a conference.

Which motion was adopted.

**SB 294, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 7**, relating to motor vehicles, was taken up by Representative Koller.

Representative Koller moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 7** to **SB 294** and grant the Senate a conference.

Which motion was adopted.

**HS HCS SB 20, as amended**, relating to community improvement, was taken up by Representative Schilling.

Representative Schilling moved that the House refuse to recede from its position on **HS HCS SB 20, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **BILLS IN CONFERENCE**

**CCR SS SCS HB 65, as amended**, relating to retirement systems, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **CCR SS SCS HB 65, as amended** was adopted by the following vote:

AYES: 087

Abel Auer Backer Ballard Bennett

Berkowitz Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Clayton

Crump Daniel Davis 122 Davis 63 Days  
Dougherty Elliott Fitzwater Foley Ford  
Franklin Fraser Gambaro George Graham 24  
Gratz Gunn Hagan-Harrell Harlan Hartzler 123  
Hickey Hilgemann Hollingsworth Kelly 27 Kennedy  
Koller Kreider Lawson Leake Legan  
Liese Lograsso Long Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murphy Murray O'Connor O'Toole  
Parker Ransdall Reynolds Riley Rizzo  
Robirds Ross Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Thompson 37  
Thompson 72 Townley Treadway Troupe Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 067

Akin Alter Barnett Bartle Berkstresser  
Black Blunt Boatright Champion Chrismer  
Cierpiot Crawford Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Griesheimer  
Gross Hampton Hanaway Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Hoppe Hosmer  
Howerton Kasten Kelley 47 King Kissell  
Klindt Lakin Levin Linton Loudon  
Marble McClelland Merideth Miller Myers  
Naeger Nordwald Ostmann Overschmidt Patek  
Pouche Pryor Purgason Reid Reinhart  
Richardson Sallee Schwab Scott Secrest  
Shields Stokan Summers Surface Tudor  
Vogel Wright

PRESENT: 004

Barry 100 Bartelsmeyer Farnen Relford

ABSENT WITH LEAVE: 003

Dolan Green Ridgeway

VACANCIES: 002

On motion of Representative O'Toole, **CCS SS SCS HB 65** was read the third time and passed by the following vote:



AYES: 087

Abel Auer Backer Ballard Bennett

Berkowitz Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Clayton

Crump Daniel Davis 63 Days Dougherty

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Gunn

Hagan-Harrell Harlan Hartzler 123 Hickey Hilgemann

Hohulin Hollingsworth Kelly 27 Kennedy Kissell

Koller Kreider Lawson Leake Legan

Liese Lograsso Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Monaco

Murphy Murray O'Connor O'Toole Ostmann

Parker Ransdall Reynolds Riley Rizzo

Robirds Ross Scheve Schilling Selby

Shelton Skaggs Smith Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 066

Akin Alter Barnett Bartle Berkstresser

Black Blunt Boatright Champion Chrismer

Cierpiot Crawford Dolan Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Griesheimer Gross Hampton Hanaway

Hartzler 124 Hegeman Hendrickson Holand Hoppe

Hosmer Howerton Kasten Kelley 47 King

Klindt Lakin Linton Long Loudon

Marble McClelland Merideth Miller Myers

Naeger Nordwald Overschmidt Patek Pouche

Pryor Purgason Reid Reinhart Richardson

Sallee Schwab Scott Secrest Seigfreid

Shields Stokan Summers Surface Vogel

Wright

PRESENT: 005

Barry 100 Bartelsmeyer Davis 122 Farnen Relford

ABSENT WITH LEAVE: 003

Green Levin Ridgeway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 150

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Purgason

Ransdall Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 006

Backer Evans Hohulin Pouche Pryor

Reid

PRESENT: 002

Bartelsmeyer Dolan

ABSENT WITH LEAVE: 003

Green Levin Ridgeway

VACANCIES: 002

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Hilgemann moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL - INFORMAL

**HCS SS#2 SB 163**, relating to instruction in the social sciences, was taken up by Representative Kelly (27).

Representative Gaskill offered **House Amendment No. 1**.

Representative Kelly (27) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Auer assumed the Chair.

Speaker Pro Tem Kreider resumed the Chair.

Representative Shields offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 163, Page 3, Section 170.015, Line 35, by adding after the word "shall" the following: "have sole authority to".

Representative Shields moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Kelly (27), **HCS SS#2 SB 163**, was adopted.

On motion of Representative Kelly (27), **HCS SS#2 SB 163**, was read the third time and passed by the following vote:

AYES: 146

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Fraser Froelker

Gambaro Gaskill Gibbons Graham 106 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Wright

NOES: 002

Chrismer Reid

PRESENT: 001

Graham 24



ABSENT WITH LEAVE: 012

Franklin George Green Harlan Hosmer

Levin Monaco Patek Richardson Ridgeway

Wiggins Mr. Speaker

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILL WITH SENATE AMENDMENT

**SCS HCS HB 60, as amended, with motion to adopt SCS HCS HB 60, as amended, pending**, relating to military license plates, was again taken up by Representative O'Connor.

Representative Graham (24) made a substitute motion that the House adopt **SCS HCS HB 60, concur in Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 7, but refuse to concur in Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 8** and request the Senate to recede from its position or failing to do so, grant the House a conference.

Which motion was defeated by the following vote:

AYES: 045

Backer Bartelsmeyer Berkowitz Boucher Boykins

Bray 84 Campbell Carter Clayton Daniel

Davis 122 Days Fitzwater Franklin Fraser

Gambaro Graham 24 Gunn Hilgemann Hohulin

Hollingsworth Hosmer Koller Kreider Lakin

May 108 Mays 50 McBride McClelland McLuckie

Merideth Ostmann Relford Riley Rizzo

Scheve Schilling Seigfreid Shelton Skaggs

Smith Stokan Van Zandt Williams 121 Wilson

NOES: 101

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartle Bennett Berkstresser

Black Blunt Boatright Bonner Britt

Burton Champion Chrismer Cierpiot Crawford

Crump Davis 63 Dolan Dougherty Elliott  
Enz Evans Farnen Foley Ford  
Foster Froelker Gaskill Gibbons Graham 106  
Gratz Griesheimer Gross Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Holand Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Leake  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble McKenna Miller  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Reynolds Robirds Ross Sallee Schwab  
Scott Secrest Selby Shields Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Tudor Vogel Wagner Ward Williams 159  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

George Green Harlan Hoppe Kelly 27  
Lawson Legan Levin Monaco Patek  
Richardson Ridgeway Troupe Wiggins Mr. Speaker

VACANCIES: 002

Representative O'Connor again moved that **SCS HCS HB 60, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 112

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Britt Burton Campbell  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Davis 63 Dolan Dougherty Elliott  
Enz Evans Farnen Foster Froelker  
Gambaro Gaskill Gibbons Graham 106 Gratz  
Griesheimer Gross Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hohulin Holand Hoppe Howerton Kasten  
Kelley 47 Kennedy King Kissell Klindt  
Leake Legan Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
McKenna Merideth Miller Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reid Reinhart Reynolds Rizzo  
Robirds Ross Sallee Schwab Scott  
Secrest Selby Shelton Shields Skaggs  
Stokan Summers Surface Treadway Troupe  
Tudor Vogel Wagner Ward Wiggins  
Williams 159 Wright

NOES: 038

Backer Boykins Bray 84 Carter Daniel  
Davis 122 Days Fitzwater Foley Ford  
Franklin Fraser Graham 24 Gunn Hilgemann  
Hollingsworth Hosmer Koller Kreider Lakin  
May 108 Mays 50 McBride McClelland McLuckie  
Ostmann Relford Riley Scheve Schilling  
Seigfreid Smith Thompson 37 Thompson 72 Townley  
Van Zandt Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 011

George Green Harlan Kelly 27 Lawson  
Levin Monaco Patek Richardson Ridgeway  
Mr. Speaker

VACANCIES: 002

On motion of Representative O'Connor, **SCS HCS HB 60, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 117

Abel Akin Alter Auer Ballard  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Britt Burton Campbell Champion  
Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Dolan Dougherty Elliott  
Enz Evans Farnen Ford Foster  
Froelker Gambaro Gaskill Gibbons Graham 106  
Gratz Griesheimer Gross Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hohulin Holand Hoppe Howerton  
Kasten Kelley 47 Kennedy King Kissell  
Klindt Koller Leake Legan Liese  
Linton Lograsso Loudon Luetkemeyer Luetkenhaus  
Marble McBride McKenna Merideth Miller  
Murphy Murray Myers Naeger O'Connor  
O'Toole Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Rizzo Robirds Ross Sallee  
Schwab Scott Secrest Selby Shelton  
Shields Skaggs Stokan Summers Surface  
Thompson 37 Treadway Troupe Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wright Mr. Speaker

NOES: 030

Backer Boykins Bray 84 Carter Daniel  
Days Fitzwater Foley Franklin Fraser  
Graham 24 Gunn Hollingsworth Hosmer Kreider  
Lakin May 108 Mays 50 McClelland McLuckie  
Ostmann Riley Scheve Schilling Seigfreid  
Smith Thompson 72 Townley Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnett George Green Harlan Hilgemann  
Kelly 27 Lawson Levin Long Monaco  
Nordwald Patek Richardson Ridgeway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.



Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**HCS SS SCS SB 335, with HS, as amended, pending**, relating to sentencing provisions, was taken up by Representative Parker.

Representative Hosmer offered **House Amendment No. 6**.

#### *House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Line 16, by inserting after the number "2000." two new sections:

**589.401. 1. Sections 589.400 to 589.425 shall apply to:**

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit an offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state and has been or is required to register in another state or has been or is required to register under federal or military law

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full or on a part-time basis in Missouri. Part-time in this subsection means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

**589.411.** The chief law enforcement official shall forward the completed offender registration form to the Missouri State Highway Patrol within three days. The patrol shall enter the information into the Missouri uniform law

enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting immediately after said line the following:

"589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person **shall appear in person and** shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 through 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri State Highway Patrol of the change. When the registrant is changing residence to a new state the Missouri State Highway Patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person to** the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **under the definitions found in section 558.018;**

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

**5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.**

**6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period.**

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and **does not meet all requirements of 589.400 to 589.425 is guilty of a class A misdemeanor.**

[(1) Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;

is guilty of a class A misdemeanor.]

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, **House Amendment No. 6** was adopted.

Representative Barry offered **House Amendment No. 7.**

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16, by inserting after all of said line the following:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is [seven hundred fifty] **five hundred** dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
  - (a) Any motor vehicle, watercraft or aircraft; or
  - (b) Any will or unrecorded deed affecting real property; or
  - (c) Any credit card or letter of credit; or
  - (d) Any firearms; or
  - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
  - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
  - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
  - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
  - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
  - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
  - (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than [one hundred fifty] **five hundred** dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony.

**5. The theft or attempted theft of [any amount of] anhydrous ammonia is a class D felony if the amount has a value of less than five hundred dollars, otherwise it is a class C felony.**

**[5.] 6. Stealing is a class D felony if the value of the property or services appropriated is less than five hundred dollars and more than two hundred fifty dollars.**

**7. The theft of any item of property or services [under] pursuant to** subsection 3 of this section which exceeds [seven hundred fifty] **five hundred** dollars may be considered a separate felony and may be charged in separate counts.

**[6.] 8. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.**

**[7.] 9. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.";** and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Barry, **House Amendment No. 7** was adopted.

Representative Marble offered **House Amendment No. 8**.



*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Pages 31- 32, Section 577.023, Lines 11-16, by inserting after all of said line the following:

**"577.069. 1. No person shall knowingly leave the scene where a serious physical injury as defined in section 565.002, RSMo, or death has occurred due to an accident [or] involving or caused by the negligence of that person, without giving such person's name, address and driver's license number, if applicable, to a law enforcement officer or emergency medical personnel. If no such officer or emergency medical personnel are in the vicinity, the person shall provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if the person leaves the scene in order to obtain medical assistance or contact law enforcement authorities to notify them of the accident, or the victim requests that no assistance be given.**

**2. All peace officers and reserve peace officers certified pursuant to the provisions of chapter 590, RSMo, shall have authority to investigate serious physical injury as defined in section 565.002, RSMo, or death, which has occurred due to an accident or negligence of a person, and arrest a person who violates subsection 1 of this section, except that authorized agents of the commission as defined in section 252.020, RSMo, may enforce such provisions related to hunting accidents. For the purpose of this section, a hunting accident shall be defined as any accident in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon and does not occur within a residential area.**

**3. Leaving the scene where a serious physical injury as defined in section 565.002, RSMo, or death, has occurred due to an accident or negligence of a person, is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been found guilty of a violation of this section.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Marble, **House Amendment No. 8** was adopted.

Representative Davis (122) offered **House Amendment 9**.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18, by inserting after all of said section the following:

**"407.020. 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.**

**2. Nothing contained in this section shall apply to:**

**(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or**

**(2) Any institution or company that is under the direction and supervision of the director of the department of insurance, director of the division of credit unions, or director of the division of finance, unless the directors of such divisions specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.**

**3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class D felony.**

**4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.**

**5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which makes, either orally or**



in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court."; and

FURTHER amend said bill, section 3, page 32, line 16, by inserting after all of said line the following:

**Section 4. As used in sections 4 to 9 of this act, the following terms shall mean:**

- (1) "Advertisement", as defined in section 407.010, RSMo;**
- (2) "Consumer", a natural person who purchases, may purchase or is solicited for purchase of merchandise or an investment opportunity by a telemarketer through telemarketing;**
- (3) "Fictitious name", any name, other than the legal name, used by a seller or telemarketer;**
- (4) "Investment opportunity", anything tangible or intangible that is offered for sale, sold or traded based wholly or in part on representations, either express or implied, about past, present or future income, profit or appreciation;**
- (5) "Material aspect or element", any factor likely to significantly influence the consumer's choice of, or conduct regarding, merchandise;**
- (6) "Prize", anything offered or purportedly offered or given or purportedly given to a consumer by chance. For purposes of this definition, chance exists if a consumer is guaranteed to receive anything of value and, at the time of the offer or purported offer, the telemarketer does not identify the specific item that the consumer will receive;**
- (7) "Promptly", immediately at the beginning of any call initiated by a telemarketer to a consumer;**
- (8) "Seller", any person who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide merchandise to the consumer in exchange for consideration;**
- (9) "Telemarketing", a plan, program or campaign which is conducted to induce the purchase or lease of merchandise by use of one or more telephones and which involves more than one telephone call;**
- (10) "Telemarketer", any person who, in connection with telemarketing, initiates or receives telephone calls to or from a consumer. A telemarketer includes, but is not limited to, any such person that is an owner, operator, officer, director or partner to the management activities of a business.**

**Section 5. 1. A telemarketer shall disclose, promptly and in a clear and conspicuous manner, to the consumer receiving the telephone call the following:**

- (1) That the purpose of the telephone call is to make a sale;**
  - (2) The telemarketer's identifiable name and the seller on whose behalf the solicitation is being made;**
  - (3) The nature of the merchandise or investment opportunity being sold; and**
  - (4) That no purchase or payment is necessary to be able to win a prize or participate in a prize promotion if a prize promotion is offered. This disclosure must be made before or in conjunction with the description of the prize to the consumer called.**
- 2. Before a consumer pays for merchandise offered for sale through telemarketing, the telemarketer shall disclose, in a clear and conspicuous manner, the following:**
- (1) The seller or telemarketer's identifiable name and the address or telephone number where the seller or telemarketer can be reached;**
  - (2) The total cost and quantity of the merchandise that are the subject of the telemarketing sales call;**
  - (3) Any material restriction, limitation or condition to purchase, receive or use the merchandise that is the subject of a telemarketing sales call;**
  - (4) Any material aspect of the nature or terms of the refund, cancellation, exchange or repurchase policies, including the absence of such policies;**
  - (5) Any material aspect of an investment opportunity being offered, including benefits, the price of the land or other investment, and the location of the investment;**
  - (6) Any material elements of a prize promotion, including:**

- (a) A description of the prize;
- (b) Its market value;
- (c) All material conditions to receive or redeem the prize;
- (d) The actual number of each prize to be awarded;
- (e) The odds of being able to receive the prize and, if the odds are not calculable in advance, the factors and methods used in calculating the odds and the maximum number of opportunities to enter the prize promotion that are to be offered;
- (f) That no purchase or payment of any kind is required to win a prize or to participate in a prize promotion;
- (g) The no-purchase or no-payment method of participating in the prize promotion, with either instructions on how to participate or an address or local or toll-free telephone number to which consumers may write or call for information on how to participate. If requested by the consumer, the telemarketer shall disclose the no-purchase or no-payment method of participating in the prize promotion; and
- (h) The date by which the prize will be awarded.

3. A telemarketer may not misrepresent any material aspect of the performance, quality, efficacy, nature or basic characteristics of merchandise that is the subject of a telemarketing sales call.

Section 6. It is an unlawful telemarketing act or practice for any seller or telemarketer to engage in the following conduct:

- (1) Omit or misrepresent any material fact required pursuant to section 5 of this act;
- (2) Threaten, intimidate or use profane or obscene language;
- (3) Cause the telephone to ring or engage any consumer in telephone conversation, repeatedly or continuously in a manner a reasonable consumer would deem to be annoying, abusive or harassing;
- (4) Knowingly and willfully initiate a telemarketing call to a consumer, or transfer or make available to others for telemarketing purposes a consumer's telephone number when that consumer has stated previously that he or she does not wish to receive solicitation calls by or on behalf of the seller unless such request has been rescinded;
- (5) Engage in telemarketing to a consumer's residence at any time other than between 8:00 a.m. and 9:00 p.m. local time, at the called consumer's location;
- (6) Request or receive payment in advance to remove derogatory information from or improve a consumer's credit history, credit record or credit rating;
- (7) Request or receive payment in advance from a consumer, to recover or otherwise aid in the return of money or any other item lost by the consumer in a prior telemarketing transaction, except that this provision shall not apply to services provided by a licensed attorney;
- (8) Obtain or submit for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings, share or similar account without the consumer's express written or oral authorization. Such authorization shall be deemed verifiable if any of the following means are employed:
  - (a) Express written authorization by the consumer, which may include the consumer's signature on the negotiable instrument;
  - (b) Express oral authorization which is tape recorded and made available upon request to the consumer's bank and which evidences clearly both the consumer's authorization of payment for the merchandise that is the subject of the sales offer and the consumer's receipt of all of the following information:
    - a. The date of the draft or drafts;
    - b. The amount of the draft or drafts;
    - c. The payor's name;
    - d. The number of draft payments;
    - e. A telephone number for consumer inquiry that is answered during normal business hours; and
    - f. The date of the consumer's oral authorization; or
  - (c) Written confirmation of the transaction, sent to the consumer prior to submission for payment of the consumer's check, draft or other form of negotiable paper, which shall include:
    - a. All of the information contained in paragraph (b) of this subdivision; and
    - b. The procedures by which the consumer can obtain a refund from the seller or telemarketer in the event that the

confirmation is inaccurate;

(9) Procure the services of any professional delivery, courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the merchandise or investment opportunity is delivered with the opportunity to inspect before any payment is collected; or

(10) Knowingly assist or support any telemarketer when the seller knew or should have known that the telemarketer was engaged in any act in violation of sections 4 to 9 of this act.

Section 7. 1. A seller or telemarketer shall keep for a period of twenty-four months from the date the record is produced, all verifiable authorizations and records as required in this act, in the form, manner, format or place as they keep such records in the ordinary course of business, including but not limited to:

(1) All substantially different advertising, brochures, telemarketing scripts and promotional materials;

(2) For any prize with a value of twenty-five dollars or greater, the name and last known address of each prize recipient and the prize awarded;

(3) The name and last known address of each consumer, the merchandise purchased, the date such merchandise was shipped or provided and the amount paid by the consumer for the merchandise;

(4) The name, any fictitious name used, the last known home address and telephone number, and the job title for all current and former employees directly involved in telephone sales, provided, that if the seller permits fictitious names to be used by employees, each fictitious name must be traceable to only one specific employee; and

(5) All written authorizations required to be provided or received pursuant to sections 4 to 9 of this act.

2. In the event of any dissolution or termination of the telemarketer's business, the telemarketer shall maintain all records as required pursuant to this section. In the event of any sale, assignment or other change in ownership of the seller's business, the successor shall maintain all records required pursuant to this section.

Section 8. 1. It is unlawful to violate any provision of sections 4 to 9 of this act or to misrepresent or omit the required disclosures of section 5 or 6 of this act, and pursuant to sections 407.010 to 407.130, RSMo, the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130, RSMo. The remedies available in this section are cumulative and in addition to any other remedies available by law.

2. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of section 6 of this act shall be guilty of a class D felony.

3. In addition to the remedies already provided in sections 4 to 9 of this act, any consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice pursuant to section 6 of this act shall recover actual and punitive damages, reasonable attorney's fees, court costs and any other remedies provided by law.

Section 9. The provisions of sections 4 to 8 of this act shall not apply to:

(1) Telephone calls in which the sale of merchandise is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telemarketer or seller, except that the requirements of subsection 1 of section 5 of this act shall apply to such calls;

(2) Telephone calls initiated by a consumer that:

(a) Are not the result of any advertisement by a seller or telemarketer;

(b) Are in response to an advertisement through any media, other than direct mail or telemarketing, which disclose the name of the seller and the identity of the merchandise; provided, however, that this exemption shall not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is used to engage in telemarketing activities prohibited by subdivision (7), (8) or (9) of section 6 of this act;

(c) Are in response to direct mail solicitations that clearly and conspicuously disclose and do not misrepresent the material information required by subsection 2 of section 5 of this act; provided, however, that this exemption does not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is to engage in telemarketing activities prohibited by subdivision (7), (8) or (9) of section 6 of this act; or

(d) Are in response to the mailing of a catalog which contains a written description or illustration of the goods or services offered for sale; includes the business address of the seller, includes multiple pages of written materials or illustrations; and has been issued not less frequently than once a year, when the seller or telemarketer does not contact consumers by telephone but only receives calls initiated by consumers in response to the catalog and during those calls takes orders only without further solicitation. For purposes of this paragraph, the term "further solicitation" does not include providing the consumer with information about, or attempting to sell, any other item included in the same catalog which prompted the consumer's call or in a substantially similar catalog; and

(3) Telephone calls or messages:

(a) To any consumer with such consumer's prior express invitation or permission;



(b) To any consumer with whom the seller has an established business relationship; or

(c) By a tax-exempt nonprofit organization."; and

Further amend the title and enacting clause accordingly.

Representative Burton raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Abel offered **House Amendment No. 1 to House Amendment No. 9**.

Representative Kissell raised a point of order that **House Amendment No. 1 to House Amendment No. 9** is in the third degree.

The Chair ruled the point of order well taken.

Representative Burton offered **House Substitute Amendment No. 1 for House Amendment No. 9**.

Representative Hollingsworth raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 9** is not a true substitute amendment.

The Chair ruled the point of order well taken.

On motion of Representative Davis (122), **House Amendment No. 9** was adopted.

Representative Davis (63) offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 15, Section 558.019, Line 5, by deleting "**shall**" and inserting in lieu thereof "**may**".

Representative Parker offered **House Substitute Amendment No. 1 for House Amendment No. 10**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 15, Section 558.019, Line 5, by inserting after the word "be" the following: "a factor to be".

Representative Parker moved that **House Substitute Amendment No. 1 for House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 027

Akin Barnett Boucher Britt Carter

Clayton Daniel Davis 122 Elliott Hollingsworth



Hosmer Legan Lograsso Marble McBride  
McKenna McLuckie Parker Pouche Relford  
Schilling Scott Seigfreid Skaggs Smith  
Surface Wiggins

NOES: 116

Alter Auer Ballard Barry 100 Bartelsmeyer  
Bartle Bennett Berkowitz Berkstresser Black  
Blunt Boatright Bonner Boykins Bray 84  
Burton Campbell Champion Chrismer Cierpiot  
Crawford Crump Davis 63 Days Dolan  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Hoppe  
Howerton Kasten Kelley 47 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Liese Linton Loudon  
Luetkenhaus May 108 Mays 50 McClelland Merideth  
Miller Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Patek Pryor Purgason Ransdall Reid  
Reinhart Reynolds Riley Rizzo Robirds  
Ross Sallee Scheve Schwab Secrest  
Selby Shelton Shields Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Vogel Wagner Ward Williams 159 Wilson  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 018

Abel Backer Dougherty George Green  
Harlan Holand Kelly 27 Levin Long  
Luetkemeyer Monaco Richardson Ridgeway Stokan

Van Zandt Williams 121 Mr. Speaker

VACANCIES: 002

On motion of Representative Davis (63), **House Amendment No. 10** was adopted by the following vote:

AYES: 121

Abel Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Boatright Bonner

Boucher Boykins Burton Campbell Carter

Champion Chrismer Cierpiot Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Enz Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill Gibbons

Graham 106 Graham 24 Gratz Griesheimer Gross

Gunn Hampton Hanaway Hartzler 123 Hartzler 124

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller

Lakin Lawson Leake Liese Linton

Loudon Luetkemeyer Luetkenhaus McBride McClelland

McKenna Merideth Miller Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Patek Pouche Pryor

Ransdall Reid Reinhart Reynolds Riley

Rizzo Robirds Ross Scheve Schwab

Scott Secrest Seigfreid Selby Shelton

Skaggs Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Van Zandt

Vogel Wagner Williams 121 Williams 159 Wright

Mr. Speaker

NOES: 028

Akin Bray 84 Britt Clayton Elliott

Evans Farnen Fitzwater Hegeman Hohulin

Kreider Legan Lograsso Marble May 108

Mays 50 McLuckie Parker Purgason Relford

Sallee Schilling Shields Smith Tudor

Ward Wiggins Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Blunt Dougherty George Green Hagan-Harrell

Harlan Kelly 27 Levin Long Monaco

Richardson Ridgeway

VACANCIES: 002

Representative Scheve offered **House Amendment No. 11.**

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting at the end of said section the following:

**"Section 4. 1. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than two hundred fifty dollars and a class D felony if the value of the property is two hundred fifty dollars or more.**

**2. For purposes of this section, the following terms mean:**

**(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false**

**pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. "Deception" includes:**

**(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or**

**(b) Failure to correct a false impression which the offender previously has created or confirmed; or**

**(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or**

**(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or**

**(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform;**

**(2) "Disabled person", a person who suffers from a permanent physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense;**

**(3) "Elderly person", a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunction to the extent that such person is incapable of avoiding or preventing the commission of the offense;**

**(4) "Intimidation", the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.**

**3. For purposes of this section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:**

**(1) Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;**

**(2) Is a joint tenant or tenant in common with the elderly or disabled person; or**

**(3) Has a legal or fiduciary relationship with the elderly or disabled person.**

**4. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law**

relating to domestic violence.

5. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person."; and

Further amend title and enacting clause accordingly.

On motion of Representative Scheve, **House Amendment No. 11** was adopted by the following vote:

AYES: 117

Abel Backer Barnett Barry 100 Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Cierpiot  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Enz Farnen Fitzwater  
Foley Ford Franklin Fraser Gambaro  
Graham 106 Gross Gunn Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Koller Kreider Lakin Lawson Leake  
Liese Loudon Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pryor Ransdall  
Reid Reinhart Relford Reynolds Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wilson  
Wright Mr. Speaker

NOES: 032

Akin Alter Ballard Bartelsmeyer Boatright  
Chrismer Clayton Elliott Evans Foster  
Froelker Gaskill Gibbons Graham 24 Gratz  
Griesheimer Hegeman Hendrickson Hohulin Howerton  
Klindt Legan Linton Lograsso Luetkenhaus



Pouche Purgason Schwab Secrest Summers

Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Dougherty George Green Harlan

Levin Long Monaco Richardson Ridgeway

Scott Williams 121

VACANCIES: 002

Representative Elliott offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16, by adding the following after line 16:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is seven hundred fifty dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
  - (a) Any motor vehicle, watercraft or aircraft; or
  - (b) Any will or unrecorded deed affecting real property; or
  - (c) Any credit card or letter of credit; or
  - (d) Any firearms; or
  - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
  - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
  - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
  - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
  - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
  - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
  - (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the

intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia, **or any attempt to steal any amount of anhydrous ammonia**, is a class D felony.

5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.".; and

Further amend the title and enacting clause accordingly.

On motion of Representative Elliott, **House Amendment No. 12** was adopted.

Representative May (108) offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting at the end of said section the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; [or]

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; **or**

**(10) Carries a firearm or any other weapon readily capable of lethal use into any school or onto any school bus, unless the person is participating in a school-sanctioned, firearm-related event.**

2. Subdivisions (1), (3), (4), (6), (7), (8) [and], (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members

of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class C felony**, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."; and

Further amend title and enacting clause accordingly.

Representative Kelley (47) offered **House Substitute Amendment No. 1 for House Amendment No. 13**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 2, Section 571.030, Line 5, by adding the words "loaded or unloaded" after the words "carries a"; and

Further amend said bill, same section and page on line 18, by adding the words "loaded or unloaded" after the words "carries a".

Representative Kelley (47) moved that **House Substitute Amendment No. 1 for House Amendment No. 13** be adopted.

Which motion was defeated.

On motion of Representative May (108), **House Amendment No. 13** was adopted.

**HCS SS SCS SB 335, with HS, as amended, pending**, was laid over.



## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 490 & HCS HB 308**, entitled:

An act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions, a termination date for certain sections and an emergency clause for certain sections.

With Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Substitute Amendment No. 1 for Senate Amendment No. 7.

### *Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 & House Committee Substitute for House Bill No. 308, Page 2, Section A, Line 3, by inserting immediately after said line the following:

"167.181. 1. The department of health, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health shall supervise and secure the enforcement of the required immunization program. **The department of health shall inform the public of all exemptions available whenever immunization schedules are available.**

2. It is unlawful for any student to attend school unless he **or she** has been immunized as required [under] **pursuant to** the rules and regulations of the department of health, and can provide satisfactory evidence of such immunization; except that if [he] **the student** produces satisfactory evidence of having begun the process of immunization, he **or she** may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his **or her** child immunized as required by this section, unless the child is properly exempted.

3. This section shall not apply to any child if one parent or guardian objects in writing to [his] **the child's** school administrator against the immunization of the child, because of religious beliefs [or], medical contraindications **or personal convictions. For purposes of this section, personal conviction includes, but is not limited to, the use of homeopathic or alternative medicine.** In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator.

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health.

5. The immunization required may be done by any duly licensed physician or by someone under [his] **such physician's** direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630, RSMo.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health from general revenue or from federal funds if available.

7. No rule or portion of a rule promulgated [under] **pursuant to** the authority of this section shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024] **chapter 536**, RSMo."; and

Further amend the title and enacting clause accordingly.

### *Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 & House Committee Substitute for House Bill No. 308, Page 19, Section 2, Lines 13 and 14 of said page, by deleting lines 13 and 14 on said page.



*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 & House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17 of said page, by inserting immediately after all of said line the following:

**"Section 16. Any applicant for a grant or contract who offers early childhood development, education or care programs and who receives funds derived from an appropriation to the department of elementary and secondary education pursuant to paragraph (d) of subdivision (3) of section 313.835, RSMo, shall be licensed by the department of health pursuant to sections 210.201 to 210.259, RSMo, prior to opening of the facility. The provisions of this section shall not apply to any grant or contract awarded to a request for proposal issued prior to August 28, 1999.";**  
and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 & House Committee Substitute for House Bill No. 308, Page 15, Section 210.485, Lines 2-12 of said page, by striking all of said section; and

Further amend the title and enacting clause accordingly.

*Senate Substitute Amendment No. 1*

for

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 & House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17 of said page, by inserting immediately after said line the following:

**"Section 16. Except in counties of the second or third classification, to ensure safe medical transportation for the elderly the department of health shall promulgate rules and regulations relating to the transportation of any natural living person being transported laying down or reclining by any person or entity unless such person or entity is licensed pursuant to section 190.109, RSMo, and unless such person or entity is employed by a licensed ambulance service. Notwithstanding any law to the contrary, all patients as defined in chapter 190, RSMo, being transported laying down or reclining shall be transported by a person licensed pursuant to section 190.109, RSMo. Such rules and regulations shall include at a minimum:**

**(1) Staffing requirements which at a minimum require that the person being transported is attended to by a licensed EMT-P;**

**(2) Insurance requirements;**

**(3) Equipment standards;**

**(4) Vehicle design and construction standards;**

**(5) Medical oversight.";** and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SCS HB 368**, entitled:

An act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and sections 21.145, 30.953, 217.665, 286.005 and 476.380, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof nine new sections relating to the same subject.

With Senate Amendment No. 1 and Senate Amendment No. 3.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 368, Pages 1-4, Section 30.953, Lines 1-83, by striking all of said section from the bill; and

Further amend said bill, page 8, Section 476.380, lines 3 to 6, by striking all of said lines and inserting in lieu thereof the following: "four times each year, shall receive his actual [expenses of travel and his necessary expense for subsistence not to exceed eighty percent of the federal per diem established by the Internal Revenue Service for the city hosting such conference or council meeting] **and necessary expenses**, to be paid from the state treasury on order of the"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 368, Page 5, Section 105.006, Line 4, by inserting immediately after said line the following:

"105.267. 1. Except as otherwise provided in this subsection, any employee of an agency of the state of Missouri, who has been certified by the American Red Cross as a disaster service volunteer, may be granted leave from work with pay to participate in specialized disaster relief services for the American Red Cross, not to exceed a total of twenty-five full-time equivalent state employees for a total of fifteen calendar days in any fiscal year for each full-time equivalent employee. The employee shall be released from work to participate in specialized disaster relief services upon request from an authorized representative of the American Red Cross for such employee and upon the approval of such employee's appointing authority. The appointing authority shall compensate an employee granted leave pursuant to this section at the employee's regular rate of pay for regular work hours during which the employee is absent from the employee's regular place of employment for the state of Missouri. Any leave granted pursuant to this section shall not affect the employee's leave status.

2. Before any payment of salary is made covering the period of the leave, the authorized representative of the American Red Cross shall file with the appointing authority or supervising agency evidence that such employee participated in specialized disaster relief services during the time such leave pay is granted.

3. No certified disaster service volunteer shall be discharged from employment because of such person's status as a certified disaster service volunteer nor shall such employee be discriminated against or dissuaded from volunteering or continuing such service as a certified disaster relief volunteer. For the purposes of this section, the term "certified disaster volunteer" means a person who has completed the necessary training for, and has been certified as, a disaster service specialist by the American Red Cross.

**4. Upon written order of the governor, additional employees, not to exceed twenty-five full-time equivalent state employees, may be granted leave pursuant to this section to participate in specialized disaster relief services for disasters occurring within this state.";** and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SB 20, as amended**: Senators Goode, Bentley, Flotron, Maxwell and Schneider.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SB 294, as amended**: Senators Staples, Quick, DePasco, Steelman and Graves.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed

the following Conference Committee to act with a like committee from the House on **HS SB 326**: Senators Goode, Howard, Kenney, Mathewson and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed Senator Scott to replace Senator Quick on the Senate Conference Committee for **SCS HCS HB 343, as amended**.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS SB 326**: Representatives Harlan, Troupe, Ladd Stokan, Richardson and Naeger

**SB 294**: Representatives Koller, Leake, Parker, Patek and Lograsso

**HS HCS SB 20**: Representatives Schilling, Riback Wilson, Hosmer, Ostmann and Myers

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HB 368, as amended**, relating to state employee salaries, was taken up by Representative Murray.

Representative Murray moved that the House refuse to adopt **SCS HB 368, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

Speaker Gaw resumed the Chair.

**SS SCS HCS HBs 490 & HCS HB 308, as amended**, relating to family care safety act, was taken up by Representative Hollingsworth.

Representative Hollingsworth moved that the House refuse to adopt **SS SCS HCS HBs 490 & HCS HB 308, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 450**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, as amended;

2. That the House recede from its position on House Substitute for House Bill No. 450;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Randall Relford /s/ Joe Maxwell

/s/ Rita Days /s/ Wayne Goode

/s/ Gary Wiggins /s/ Ed Quick

/s/ Jim Graham /s/ Sam Graves

/s/ Emmy McClelland /s/ Anita Yeckel

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 139**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 139, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 139, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 139;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Beth Long /s/ Harry Wiggins

/s/ Judy Berkstresser /s/ Sidney Johnson

/s/ Sam Leake /s/ Stephen Stoll

/s/ Gary Wiggins /s/ John Russell

/s/ Francis Overschmidt /s/ Morris Westfall

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 196**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 196, with House Amendment No. 1; begs leave to report that we, after free and fair discussion



of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 196, as amended;
2. That the Senate recede from its position on Senate Bill No. 196; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 196, be Truly Agreed To and Finally Passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Henry Rizzo /s/ Ronnie DePasco

/s/ Carson Ross /s/ John E. Scott

/s/ Carl Vogel /s/ Marvin Singleton

/s/ May Scheve /s/ Walt Mueller

/s/ Jim Foley /s/ Danny Staples

#### **ADJOURNMENT**

On motion of Representative Foley, the House adjourned until 9:00 a.m., Wednesday, May 12, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-seventh Day, Monday, May 10, 1999, page 1877, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".

Pages 1878 and 1879, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

Page 1879, roll call, by showing Representative Hoppe voting "aye" rather than "absent with leave".

Pages 1887 and 1888, roll call, by showing Representative Scott voting "aye" rather than "absent with leave".

Pages 1901 and 1902, roll call, by showing Representative Barnett voting "aye" rather than "absent with leave".

Pages 1901 and 1902, roll call, by showing Representative Kreider voting "aye" rather than "no".

Pages 1901 and 1902, roll call, by showing Representative Koller voting "no" rather than "absent with leave".

Pages 1903 and 1904, roll call, by showing Representatives Froelker, Long and Pouche voting "aye" rather than "absent with leave".

Pages 1904 and 1905, roll call, by showing Representatives Froelker, Long and Naeger voting "aye" rather than "absent with leave".

Page 1906, roll call, by showing Representatives Barnett, Howerton, Kreider, Long, Miller and Surface voting "no" rather than "absent with leave".

Page 1906, roll call, by showing Representative Purgason voting "aye" rather than "absent with leave".

Page 1909, roll call, by showing Representatives Barnett, Miller, Purgason, Richardson and Ross voting "no" rather than "absent with leave".

Page 1909, roll call, by showing Representatives Long and Surface voting "aye" rather than "absent with leave".

Page 1911, roll call, by showing Representatives Barnett, Froelker, Long, Luetkenhaus, Miller, Pouche, Purgason, Richardson, Ross and Surface voting "no" rather than "absent with leave".

Page 1911, roll call, by showing Representatives Levin and Reynolds voting "aye" rather than "absent with leave".

Page 1912, roll call, by showing Representative Reynolds voting "aye" rather than "absent with leave".

Page 1912, roll call, by showing Representatives Barnett, Froelker, Long, Luetkenhaus, Miller, Patek, Purgason, Pouche, Richardson, Ross and Surface voting "no" rather than "absent with leave".

Page 1913, roll call, by showing Representatives Barnett, Bartle, Crawford, Froelker, Gross, Kissell, Luetkenhaus, Miller, Purgason, Reynolds, Richardson, Ross, Surface and Wagner voting "aye" rather than "absent with leave".

Pages 1913 and 1914, roll call, by showing Representatives Barnett, Bartle, Froelker, Kissell, Luetkenhaus, Miller, Purgason, Reynolds, Richardson, Ross, Surface and Wagner voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **ACCOUNTS, OPERATIONS, AND FINANCE**

Wednesday, May 12, 1999. Room 414. Executive session to follow.

To be considered - SCR 20

### **COMMERCE**

Wednesday, May 12, 1999. North side gallery upon noon adjournment. Executive session.

To be considered - SB 37

### **ETHICS**

Wednesday, May 12, 1999. Northeast side gallery upon morning adjournment.

Additions to the Family Farm Caucus.

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Wednesday, May 12, 1999. Senate Lounge upon evening adjournment.

Dept. of Elementary and Secondary Education. 5 CSR 80-805.015

## **HOUSE CALENDAR**

SIXTY-NINTH DAY, WEDNESDAY, MAY 12, 1999

## **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 769, as amended - Bray
- 2 HCS HB 934 - Treadway
- 3 HCS HB 456 - Fitzwater
- 4 HB 856 - Ford
- 5 HCS HB 640 - Campbell
- 6 HCS HB 354 - Barry
- 7 HCS HB 709 - Leake
- 8 HB 844 - Gratz
- 9 HB 519 - Relford
- 10 HCS HB 535 - May (108)
- 11 HB 406 - Mays (50)
- 12 HB 146, HCA 1 - Wiggins
- 13 HB 787 - Wiggins
- 14 HB 59, HCA 1 - Boucher
- 15 HB 699, HCA 1 - Kreider
- 16 HCS HB 142 - Campbell
- 17 HCS HB 488, 206 & 357 - May (108)
- 18 HB 85 - Troupe
- 19 HCS HB 200 - Troupe
- 20 HCS HB 89 - Troupe
- 21 HB 717 - Harlan
- 22 HCS HB 160 - O'Toole
- 23 HCS HB 730 - Leake
- 24 HCS HB 194 - Reynolds
- 25 HCS HB 908 - McBride
- 26 HB 105 - Scheve
- 27 HCS HB 54 - Boucher
- 28 HB 1021 - Boucher
- 29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 643, 710 & 711 - Bray
- 2 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

- HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

- HS HB 753, (Fiscal Review 3-31-99) - Rizzo

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 61 - Hoppe
- 2 HCS SS SCS SB 335, HS, as amended, pending - Parker
- 3 HCS SS SCS SB 160 & 82, E.C. - Hoppe
- 4 HCS SS SB 373 - Crump
- 5 SCS SB 498 - O'Connor
- 6 HCS SB 518 - Rizzo
- 7 HCS SS SCS SB 1, 92, 111, 129 & 222 - May (108)
- 8 HCS SCS SB 387, 206 & 131 - Gunn
- 9 SCS SB 211 - Riback Wilson
- 10 SS SCS SB 19, HCA 1, E.C. - Koller
- 11 HCS SS SB 289 - Days
- 12 HCS SCS SB 394 - Hoppe
- 13 SCS SB 325, HCA 1 - Treadway
- 14 HCS SB 371 - Hosmer
- 15 HCS SB 180, E.C. - Hagan-Harrell
- 16 HCS SCS SB 328, 87, 100 & 55 - Hosmer
- 17 HCS SCS SB 322, 150 & 151, E.C. (Fiscal Review 5-10-99) - Dougherty
- 18 SB 71
- 19 HCS SCS SB 282, (Fiscal Review 5-10-99) - Bray

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

- 1 SB 4 - Thompson (37)
- 2 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)
- 3 HCS SCS SB 346 - Days
- 4 HCS SS SCS SB 14, 60 & 69 - Bray

#### **HOUSE BILL WITH SENATE AMENDMENTS**

HS HB 162, SA 1 - Luetkenhaus

#### **BILLS CARRYING REQUEST MESSAGES**

- 1 HB 261, SA 1 (Req. Sen. recede on SA 1 and pass bill) - Auer
- 2 SS SCS HCS HB 490 & HCS HB 308, as amended, E.C.  
(Req. Sen. recede or grant conf.) - Hollingsworth
- 3 SCS HB 368, as amended (Req. Sen. recede or grant conf.) - Murray

#### **BILLS IN CONFERENCE**

- 1 HS HCS SCS SB 436, as amended - Hoppe



- 2 HS HCS SS SCS SB 338, as amended - Harlan
- 3 HCS SS#2 SB 288, as amended - McLuckie
- 4 HS HCS SCS SB 8 & 173, as amended - Ladd Stokan
- 5 CCR SCS HCS HB 139, as amended, E.C. - Long
- 6 CCR SS SCS HS HB 450, as amended, E.C. - Relford
- 7 SCS HCS HB 343, as amended, E.C. - Treadway
- 8 SCS HS HCS HB 852 - Hosmer
- 9 CCR HCS SB 196, as amended - Rizzo
- 10 HS SB 326 - Harlan
- 11 SB 294, as amended - Koller
- 12 HS HCS SB 20, as amended - Schilling

#### **HOUSE RESOLUTION**

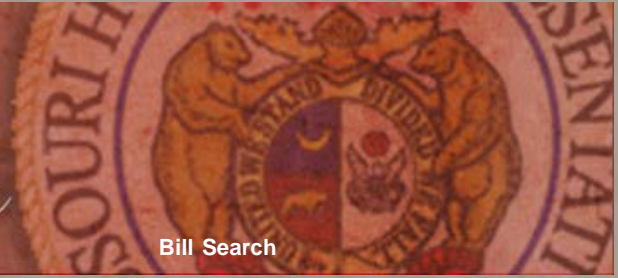
HR 1168, (5-7-99, pg. 1858) - Hagan-Harrell



Missouri House of Representatives

# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SIXTY-NINTH DAY, Wednesday, May 12, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Jim Murphy.

Dear Lord,

As we gather in this beautiful Chamber this morning, help us realize that You have entrusted to our care the spiritual and physical well being of five million Missourians. As You guided the Israelites to their home, please guide us in bringing those entrusted to our care to worldly peace and eternal solace.

We are but imperfect mortals who are here in this government to do Your bidding.

We realize that we have but a short time on this earth and that it is not our will, but Your will that must be done.

Enable us to find the truth and to aide our fellow citizens in filling the potential You have endowed them with.

Government service is a noble calling. We are honored that You have led us to this Capitol.

And when the time comes when we end our stay on this earth, may You be there to greet us with the words we all pray to hear!

Well done my good and faithful servant.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Michelle Cooper, Patrick Feeney, Maureen A. Hughes, Maureen L. Hughes, Patrick Lawler, Jenifer Brickey, Karolyn Childress, Andrew Doyle, Michael Madras, Sarah Meehan, Jonathan Pleban, Anthony Sneed, Jim Wombwell, Ben Henny, Jason Glover, Shealyn Turner, Melinda Kitchen, Ricky Kitchen, Orcinneo Alexander, Octavia Alexander, Emily Mayhan, Andy Sawyer, Brittany Cataldi, Scott Madsen, Casey Lewis, Patrick Timothy Green, Kent Eagleburger, Whitney Eagleburger and Blake Eagleburger.

The Journal of the sixty-eighth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1467 - Representative Surface

House Resolution No. 1468 - Representative Gibbons  
House Resolution No. 1469 - Representative Boucher  
House Resolution No. 1470 - Representative Vogel  
House Resolution No. 1471 - Representative Howerton  
House Resolution No. 1472 - Representative Campbell  
House Resolution No. 1473 - Representative Hartzler (123)  
House Resolution No. 1474 - Representative Gaw  
House Resolution No. 1475 - Representative Richardson  
House Resolution No. 1476 and House Resolution No. 1477 - Representative Kelley (47)  
House Resolution No. 1478 and House Resolution No. 1479 - Representative Hartzler (124)

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SB 451** - Fiscal Review (Fiscal Note)

#### **BILL IN CONFERENCE**

**CCR SS SCS HS HB 450, as amended**, relating to water pollution control bonds, was taken up by Representative Relford.

On motion of Representative Relford, **CCR SS SCS HS HB 450, as amended**, was adopted by the following vote:

AYES: 157

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Boucher Hosmer Levin Pryor

VACANCIES: 002

On motion of Representative Relford, **CCS SS SCS HS HB 450** was read the third time and passed by the following vote:

AYES: 155

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider



Lakin Lawson Leake Legan Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Ridgeway Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 001

Richardson

PRESENT: 000

ABSENT WITH LEAVE: 005

Akin Harlan Hosmer Levin Wright

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 156

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Leake Legan  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Harlan Lawson Levin Myers Schilling

VACANCIES: 002

On motion of Representative Hampton, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENT**

**HS HB 162, with Senate Amendment No. 1**, relating to unemployment insurance, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Harlan Kelly 27 Levin Myers Pryor

Purgason Stokan Vogel

VACANCIES: 002

On motion of Representative Luetkenhaus, **HS HB 162, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Liese Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Ransdall Reid

Reinhart Relford Reynolds Richardson Ridgeway

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000



PRESENT: 000

ABSENT WITH LEAVE: 006

Hosmer Levin Linton Myers Pryor

Purgason

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILLS

**HCS SS SCS SB 335, with HS, as amended, pending**, relating to sentencing provisions, was taken up by Representative Parker.

Representative Gratz offered **House Amendment No. 14**.

#### *House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18 of said page, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. **Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.** Notwithstanding the provisions of section 302.340, violation of **subdivisions (3) and (4) of subsection 1 of this section** [shall be deemed] **is** a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section [shall be deemed] **is** an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, social security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to **driving without a license**, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance 2 points

(5) **Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020**

**For the first conviction 2 points**

**For the second conviction . 4 points**

**For the third conviction . 6 points**

(6) Operating [without a license after suspension or revocation and] **with a suspended or revoked license** prior to restoration of operating privileges [which have been suspended or revoked] 12 points

[(6)] (7) Obtaining a license by misrepresentation . 12 points

[(7)] (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

[(8)] (9) For the second or subsequent conviction of any of the following offenses however combined:



driving while in an intoxicated condition, driving under the influence of controlled substances or drugs  
or driving with a blood alcohol content of ten-hundredths of one percent or more by weight 12 points

[(9)] **(10)** For the first conviction for driving with blood alcohol content ten-hundredths of one  
percent or more by weight In violation of state law 8 points

In violation of a county or municipal ordinance 8 points

[(10)] **(11)** Any felony involving the use of a motor vehicle 12 points

[(11)] **(12)** Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

**2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.**

**3.** An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

[3.] **4.** When any of the acts listed in subdivision (2), (3), (4) or [(7)] **(8)** of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section for offenses arising out of the same occurrence.

[4.] **5.** The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection [2] **3** of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege has been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege has been suspended under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from

such a program. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision [(7), (8) or (9)] **(8), (9) or (10)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.



302.321. 1. A person commits the crime of driving while revoked if [he] **such person** operates a motor vehicle on a highway when [his] **such person's** license or driving privilege has been canceled, suspended or revoked [under] **pursuant to** the laws of this state and acts with criminal negligence with respect to knowledge of the fact that [his] **such person's** driving privilege has been canceled, suspended or revoked.

2. [Driving while revoked is] **Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of driving while revoked is guilty of a class D felony.** No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until [he] **such person** has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service [under the supervision of] **which is supervised by** the court in those jurisdictions which have a recognized program for community service."; and

Further amend the title and enacting clause accordingly.

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 14.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18 of said page, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person under the age of twenty-one years of age operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. **Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.** Notwithstanding the provisions of section 302.340, violation of **subdivisions (3) and (4) of subsection 1 of this section [shall be deemed] is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section [shall be deemed] is** an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, social security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to **driving without a license**, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for

violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance 2 points

**(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020**

**For the first conviction 2 points**

**For the second conviction 4 points**

**For the third conviction . 6 points**

**(6) Operating [without a license after suspension or revocation and] with a suspended or revoked license** prior to restoration of operating privileges [which have been suspended or revoked] 12 points

[(6)] **(7) Obtaining a license by misrepresentation** 12 points

[(7)] **(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs** 8 points

[(8)] **(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight** 12 points

[(9)] **(10) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight**

In violation of state law 8 points

In violation of a county or municipal ordinance 8 points

[(10)] **(11) Any felony involving the use of a motor vehicle** 12 points

[(11)] **(12) Knowingly permitting unlicensed operator to operate a motor vehicle** 4 points



**2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.**

**3.** An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

[3.] **4.** When any of the acts listed in subdivision (2), (3), (4) or [(7)] **(8)** of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section for offenses arising out of the same occurrence.

[4.] **5.** The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection [2] **3** of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege has been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege has been suspended under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year

from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision [(7), (8) or (9)] **(8), (9) or (10)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

302.321. 1. A person commits the crime of driving while revoked if [he] **such person** operates a motor vehicle on a highway when [his] **such person's** license or driving privilege has been canceled, suspended or revoked [under] **pursuant to** the laws of this state and acts with criminal negligence with respect to knowledge of the fact that [his] **such person's** driving privilege has been canceled, suspended or revoked.

2. [Driving while revoked is] **Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of driving while revoked is guilty of a class D felony.** No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until [he] **such person** has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service [under the supervision of] **which is supervised by** the court in those jurisdictions which have a recognized program for community service."; and



Further amend the title and enacting clause accordingly.

On motion of Representative Lograsso, **House Substitute Amendment No. 1 for House Amendment No. 14** was adopted.

Representative Wiggins offered **House Amendment No. 15**.

**House Amendment No. 15** was withdrawn.

Representative Wiggins offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 16, Section 558.019, Line 15, by inserting after said line:

**9. Any money expended from the county law enforcement fund pursuant to this section shall only be expended with the approval of the county commission.; and**

Further amend, by renumbering the subsections in section 558.019; and

Further amend, section 559.021, page 17, line 14, by inserting after said line:

**3. Any money expended from the county law enforcement fund pursuant to this section shall only be expended with the approval of the county commission.; and**

Further amend, by renumbering the subsections in section 559.021; and

Further amend, section 3, page 32, by inserting after said section:

**Section 4. Any money expended from the county law enforcement fund pursuant to section 570.120, RSMo, shall be annually audited by the county or state auditor. Such moneys shall only be expended with the approval of the county commission.; and**

Further amend title and enacting clause accordingly.

On motion of Representative Wiggins, **House Amendment No. 15** was adopted by the following vote:

AYES: 086

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bonner Boucher Bray 84

Burton Campbell Champion Chrismer Cierpiot

Daniel Dougherty Enz Evans Farnen

Fitzwater Franklin Fraser Froelker Graham 106

Griesheimer Hagan-Harrell Hanaway Harlan Hegeman

Hilgemann Hohulin Holand Hollingsworth Hosmer

Howerton Kelley 47 Kelly 27 Kennedy King

Klindt Koller Kreider Lakin Lawson

Leake Liese Linton Lograsso Luetkemeyer

Marble Mays 50 McBride McClelland McLuckie  
Murphy Nordwald O'Toole Ostmann Patek  
Pryor Purgason Ransdall Reinhart Ridgeway  
Riley Robirds Ross Sallee Schilling  
Scott Secrest Seigfreid Shelton Shields  
Smith Stokan Surface Townley Van Zandt  
Vogel Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 063

Auer Bartelsmeyer Bartle Berkowitz Berkstresser  
Black Blunt Boykins Britt Carter  
Clayton Crawford Crump Davis 122 Davis 63  
Days Dolan Elliott Foley Foster  
Gambaro Gaskill George Gibbons Graham 24  
Gratz Gunn Hampton Hartzler 123 Hartzler 124  
Hendrickson Hickey Hoppe Kasten Kissell  
Legan Loudon May 108 McKenna Merideth  
Miller Monaco Murray Myers Naeger  
O'Connor Overschmidt Parker Pouche Reid  
Relford Reynolds Richardson Rizzo Scheve  
Schwab Selby Summers Thompson 72 Tudor  
Wagner Ward Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Bennett Boatright Ford Green Gross  
Levin Long Luetkenhaus Skaggs Thompson 37  
Treadway Troupe

VACANCIES: 002

Representative Harlan offered **House Amendment No. 16.**

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 6, Section 513.653, Line 5 of said page, by inserting after all of said line the following:

**"557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class C felony.**

2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050; which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class D felony.

3. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having an identity not traditionally associated with one's biological gender.

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]" and

Further amend the title and enacting clause accordingly.

Representative Loudon raised a point of order that **House Amendment No. 16** goes beyond the scope of the bill.

Representative Wright raised an additional point of order that **House Amendment No. 16** amends previously amended material.

The Chair ruled the points of order not well taken.

Representative Gibbons offered **House Substitute Amendment No. 1 for House Amendment No. 16**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 6, Section 513.653, Line 5, by inserting at the end of said line the following:

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]" and

Further amend the title and enacting clause accordingly.

Speaker Gaw assumed the Chair.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Merideth

Monaco Murray O'Connor O'Toole Overschmidt

Parker Ransdall Relford Reynolds Riley

Rizzo Scheve Schilling Seigfreid Selby

Shelton Skaggs Smith Stokan Thompson 37

Thompson 72 Treadway Troupe Van Zandt Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 074

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Elliott Enz Evans Foster

Froelker Gaskill Gibbons Graham 106 Griesheimer

Gross Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kelley 47 King Klindt Legan Levin

Linton Lograsso Long Loudon Luetkemeyer

Marble McClelland Miller Murphy Myers

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reid Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secest Shields Summers Surface

Townley Tudor Vogel Wright

PRESENT: 000



ABSENT WITH LEAVE: 001

Dolan

VACANCIES: 002

**House Substitute Amendment No. 1 for House Amendment No. 16** was withdrawn.

Representative Parker offered **House Substitute Amendment No. 1 for House Amendment No. 16**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 9, Section 558.011, Line 15, by inserting after the end of said section the following:

**"557.035. 1. In any prosecution for violation of subdivision (1) of subsection 1 of section 569.100, RSMo, subdivision (1), (2), (3), (4), (6), (7) or (8) of subdivision 1 of section 571.030, RSMo, section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050, RSMo, the state may introduce, and the finder of fact may consider, evidence that such violation was motivated by the hatred of an actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim.**

**2. The evidence admissible pursuant to section 1 of this section may be considered by the finder of fact as evidence of motive and may be considered by the court or jury in sentencing.**

**3. For the purposes of this section , the following terms mean:**

**(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and**

**(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having an identity not traditionally associated with one's biological gender."; and**

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting after said section the following:

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]; and

Further amend the title and enacting clause accordingly.

Representative Parker moved that **House Substitute Amendment No. 1 for House Amendment No. 16** be adopted.

Which motion was defeated.

Representative Reid offered **House Substitute Amendment No. 2 for House Amendment No. 16**.

*House Substitute Amendment No. 2*

for

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 6, Section 513.653, Line 5, by inserting after the end of said line the following:

**"557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation, affiliation with a labor union or lack thereof, or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class C felony.**

**2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050; which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class D felony.**

**3. For the purposes of this section, the following terms mean:**

**(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and**

**(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having an identity not traditionally associated with one's biological gender.**

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]" and

Further amend the title and enacting clause accordingly.

Representative Foley raised a point of order that **House Substitute Amendment No. 2 for House Amendment No. 16** goes beyond the scope and is not germane to the bill and is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Reid moved that **House Substitute Amendment No. 2 for House Amendment No. 16** be adopted.

Which motion was defeated by the following vote:

AYES: 012

Alter Bartelsmeyer Champion Hendrickson Hohulin

Howerton Purgason Reid Robirds Sallee

Townley Tudor

NOES: 138

Abel Akin Auer Backer Ballard

Barnett Barry 100 Bartle Bennett Berkowitz

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell  
Carter Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Ransdall Reinhart Relford Reynolds Richardson  
Riley Rizzo Ross Scheve Schilling  
Scott Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Treadway Troupe Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Berkstresser Franklin Hagan-Harrell Holand Kasten  
Lograsso Murphy Ridgeway Schwab Secrest  
Vogel

VACANCIES: 002

On motion of Representative Harlan, **House Amendment No. 16** was adopted by the following vote:

AYES: 097

Abel Auer Backer Barry 100 Berkowitz  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser  
Gambaro Gaskill George Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Kelley 47 Kelly 27  
Kennedy Kissell Koller Kreider Lakin  
Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Monaco Murphy Murray Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Ross Scheve Schilling Seigfreid Selby  
Shelton Skaggs Smith Stokan Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 062

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Bonner Burton Champion Chrismer  
Cierpiot Crawford Elliott Enz Evans  
Foster Froelker Gibbons Gross Hanaway  
Hartzler 124 Hegeman Hendrickson Hohulin Holand  
Howerton King Klindt Legan Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Marble Miller Myers Naeger Patek  
Pouche Pryor Purgason Reid Reinhart  
Richardson Robirds Sallee Schwab Scott  
Secrest Shields Summers Surface Townley  
Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 002

Kasten Ridgeway

VACANCIES: 002

Representative Hollingsworth offered **House Amendment No. 17.**



*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting at the end of said section the following:

"573.503. Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity. **Any person who violates an ordinance adopted pursuant to this section is guilty of a class A misdemeanor.**"; and

Further amend title and enacting clause accordingly.

On motion of Representative Hollingsworth, **House Amendment No. 17** was adopted.

Representative Hosmer offered **House Amendment No. 18.**

*House Amendment No. 18*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 4, Section 21.455, Line 14 of said page, by inserting after all of said line the following:

"149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

- (1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;
- (2) "Cigarette", an item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled or advertised as a cigarette, **or any product that contains nicotine, as intended to be burned or heated under ordinary conditions of use, and consists of or contains:**
  - (a) **Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or**
  - (b) **Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or**
  - (c) **Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this subdivision. "Cigarette" includes "roll-your-own", which is any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and like to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of cigarette, nine one hundredths of an ounce of "roll-your-own" tobacco shall constitute one individual cigarette;**
- (3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;
- (4) "Director", the director of Missouri department of revenue;
- (5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;
- (6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;
- (7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;
- (8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;
- (9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty, **or a pack, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for distribution, to consumers;**
- (10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;
- (11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;
- (12) "Sale" in this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method

and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(13) "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

(14) "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(15) "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(16) "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(17) "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(18) "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.071. 1. Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimilies or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

**2. No tax stamp may be affixed to, or made upon, any package of cigarettes if:**

**(1) The package does not comply with all the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec. 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States; or**

**(2) The package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec. 5754;**

**(3) The package is labeled "For Export Only", "U.S. Tax Exempt", "For Use Outside U. S.", or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or**

**(4) The package, or a package containing individually stamped packages, has been altered by masking or deleting the wording described in subdivision (3) of this subsection.**

**3. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section shall be guilty of a class D felony upon conviction.**

**4. The department of revenue may revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section.**

**5. The department of revenue may seize and destroy or sell only for export to licensed exporters cigarette packages to which is affixed a tax stamp in violation of this section.**

**6. A violation of this section is a deceptive act or practice under this section.**

**7. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section or the application of the provision to other persons or circumstances is not affected."; and**

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Hosmer, **House Amendment No. 18** was adopted.

Representative Richardson offered **House Amendment No. 19**.

*House Amendment No. 19*



AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16 of said page, by inserting after all of said line the following:

"570.020. For the purposes of this chapter, the value of property shall be ascertained as follows:

(1) Except as otherwise specified in this section, "value" means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. **If the victim is a merchant, as defined in section 400.2-104, RSMo, and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property;**

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

(a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument;

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than one hundred fifty dollars."; and

Further amend said bill, Page 27, Section 570.040, Line 2 of said page, by inserting after all of said line the following:

"570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, [he] **the person** makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) [He] **The person** makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in [his] **that** account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action under the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be [five dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one hundred dollars, and twenty-five dollars for checks of one hundred dollars or more] **twenty-five dollars for any bad check. For checks of one hundred dollars or more, an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed fifty dollars total.** Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that [previously] authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, [capital outlay,] expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney and employees' salaries.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. [Notwithstanding any other provisions of law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check.] **Notwithstanding any other provision of law to the contrary:**

**(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney shall collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;**

**(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed thirty dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.**

7. In all cases where a prosecutor receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the prosecutor, if [he] **such prosecutor** determines there is a violation of this section, shall file an information or seek an indictment within sixty days of such notice and may file an information or seek an indictment thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and if [he] **such prosecutor** determines there is sufficient evidence shall further prosecute such cases.

8. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Richardson, **House Amendment No. 19** was adopted.

Representative Hosmer offered **House Amendment No. 20**.

*House Amendment No. 20*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 1, Section 513.653, Line 11, by inserting after all of said line the following:

**"Section 1. 1. No person less than twenty-one years of age shall dance in an adult cabaret, as defined in section 573.500, RSMo, nor shall any proprietor of such establishment permit any person less than twenty-one years of age to dance in an adult cabaret.**

**2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, **House Amendment No. 20** was adopted.

Representative Wright offered **House Amendment No. 21**.

*House Amendment No. 21*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, page 5, section 217.760, Line 18, by inserting immediately after said line the following:

"217.800. 1. In all cases in which the governor is authorized by the constitution to grant pardons, he **or she** may grant the same, with such conditions and under such restrictions as he **or she** may think proper.

2. All applications for pardon, commutation of sentence or reprieve shall be referred to the board for investigation. The board shall investigate each such case and submit to the governor a report of its investigation, with all other information the board



may have relating to the applicant together with any recommendations the board deems proper to make.

3. The department of corrections shall notify the central repository, as provided in sections 43.500 to 43.530, RSMo, of any action of the governor granting a pardon, commutation of sentence, or reprieve.

**4. In all cases in which the governor grants a reprieve or commutation of any sentence of death, the governor's office shall contact the immediate family of the victim or victims of the charged capital offense within 24 hours of the governor's decision.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Wright, **House Amendment No. 21** was adopted.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Merideth

Monaco Murray O'Connor O'Toole Overschmidt

Parker Ransdall Relford Reynolds Riley

Rizzo Scheve Schilling Seigfreid Selby

Shelton Skaggs Smith Stokan Thompson 37

Thompson 72 Treadway Troupe Van Zandt Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 072

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Crawford

Dolan Elliott Enz Evans Foster

Froelker Gaskill Gibbons Graham 106 Griesheimer

Gross Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kelley 47 King Klindt Legan Levin

Linton Lograsso Long Loudon Luetkemeyer  
Marble McClelland Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Richardson  
Robirds Ross Sallee Schwab Scott  
Shields Summers Surface Townley Tudor  
Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Cierpiot Ridgeway Secrest

VACANCIES: 002

On motion of Representative Parker, **HS HCS SS SCS SB 335, as amended**, was adopted.

On motion of Representative Parker, **HS HCS SS SCS SB 335, as amended**, was read the third time and passed by the following vote:

AYES: 096

Auer Backer Barry 100 Berkowitz Black  
Boucher Bray 84 Britt Burton Campbell  
Carter Champion Clayton Crump Daniel  
Davis 122 Days Dolan Dougherty Elliott  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro Gaskill George Graham 24  
Graham 106 Green Gunn Harlan Hartzler 123  
Hegeman Hendrickson Hilgemann Hollingsworth Hoppe  
Hosmer Kelly 27 Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Levin  
Liese Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Monaco Murray  
O'Connor O'Toole Ostmann Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Ross Sallee Scheve Schilling Schwab  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Surface Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Mr. Speaker

NOES: 058

Abel Akin Alter Ballard Barnett  
Bartelsmeyer Bartle Bennett Berkstresser Blunt  
Boatright Bonner Chrismer Cierpiot Crawford  
Davis 63 Enz Evans Foster Froelker  
Gibbons Gratz Griesheimer Gross Hanaway  
Hartzler 124 Hickey Hohulin Holand Howerton  
Kelley 47 King Klindt Legan Linton  
Lograsso Long Loudon Luetkemeyer Merideth  
Miller Murphy Myers Naeger Nordwald  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Robirds Scott Summers  
Townley Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Boykins Hagan-Harrell Hampton Kasten Luetkenhaus  
Ridgeway Secrest

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hilgemann, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 61**, relating to road signs, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SCS SB 61**.

Representative Auer offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Pages 8 to 10, Section 226.525, by deleting all of said section and inserting in lieu thereof the following:

"226.525. 1. The state highways and transportation commission is directed to erect within the right-of-way of all classes of highways within the state signs and notices pertaining to publicly and privately owned natural wonders and scenic and historical attractions under the following conditions:

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission.

(2) Such official signs shall be limited in content to the name of the attraction and necessary travel information.

(3) The state highways and transportation commission shall determine those sites and attractions for which directional and other official signs may be erected as permitted by section 131 of Title 23, United States Code, which it deems of such importance as to justify such signing, using as a guide those publicly or privately owned natural wonders and scenic, historic, educational, cultural, or recreational sites which have been determined to be of general interest.

(4) The state highways and transportation commission may require reimbursement for the cost of erection and maintenance of the official directional signs authorized hereunder when sites or attractions are privately owned by other than the state or political subdivisions. The state highways and transportation commission shall prescribe the size, number and locations of such signs based upon its determination of the travelers' need for directional information.

**2. The commission shall adopt rules to implement a program for the erection and maintenance of tourist-oriented directional signs within the right-of-way of state highways in the state. The tourist-oriented directional signs shall provide business identification and directional information for natural attractions and activities which, during a normal business season, derive a major portion of the income and visitors for the business or activity from motorists not residing in the immediate area of the business or activity. Natural attractions and activities eligible for such tourist-oriented directional signs shall include, but not be limited to, caves, museums, wineries, antique business districts, tourist-oriented boats with live entertainment located in any county of the first classification with a charter form of government and having a population of more than two hundred ten thousand but less than six hundred thousand inhabitants and tourist-oriented directional signs indicating the location of any veterans' memorial located at any college in such county provided that such signs are located on a highway known as the "Veterans' Memorial Highway" in any county of the first classification with a population of more than one hundred seventy thousand inhabitants but less than two hundred thousand inhabitants."**

On motion of Representative Auer, **House Amendment No. 1** was adopted.

Representative Luetkenhaus offered **House Amendment No. 2**.

Representative Lograsso raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kissell offered **House Amendment No. 2**.

Representative Lograsso raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Auer assumed the Chair.

Representative Ransdall offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 19, Section 226.540, Line 16, by inserting after all of said line the following:

"226.545. 1. Notwithstanding any other provision of sections 226.500 to 226.600, outdoor advertising signs lawfully in existence on October 22, 1965, determined by agreement between the state highways and transportation commission and the Secretary of Transportation to be landmark signs, including signs on farm structures or natural surfaces, of historical or artistic significance may be maintained.

**2. Any sign determined to be a landmark sign pursuant to subsection 1 of this section may be modified if:**

**(1) Such landmark:**

**(a) No longer exists;**

**(b) Is no longer operated as a natural, historical or other landmark by any public or private entity;**

**(c) Has changed from being publicly operated to privately operated; or**

**(d) Is no longer operated as a natural, historic or other landmark and is instead operated as a business;**



**(2) Such modification does not involve the alteration of the size, length, width or depth of any portion of the sign or the mechanism supporting such sign; and**

**(3) Such modification alters only the wording of such sign for purposes of showing the changes described in subdivision (1) of this subsection."; and**

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Ransdall, **House Amendment No. 2** was adopted.

Representative Relford offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Section 536.029, Line 1, by inserting after said line the following new section:

"Section 1. The portion of state highway 13 in Caldwell county shall be named "The Zach Wheat Memorial Highway."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Relford, **House Amendment No. 3** was adopted.

Representative Summers offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Section 536.029, Line 1, by inserting after all of said lines the following:

**"Section 1. 1. Notwithstanding any other provision of law to the contrary:**

**(1) Seasonal advertising signs may be displayed, erected and maintained in the appropriate season on any federal highway; and**

**(2) Year-round advertising signs may be displayed, erected and maintained all year on any lettered state highway.**

**2. The signs described in subsection 1 of this section shall be within six hundred sixty feet of the nearest edge of the right-of-way, and such signs shall also be no larger than four feet in height and eight feet in length."; and**

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Summers, **House Amendment No. 4** was adopted.

Representative Patek offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Line 1, by inserting after all of said line the following:

**"Section 1. The portion of United States highway 36 within any county of the third classification with a township form of government and having a population of more than thirteen thousand but less than fifteen thousand inhabitants shall be designated the "V.F.W. Memorial Highway"; and**

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Patek, **House Amendment No. 5** was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 61, as amended**, was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 61, as amended**, was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Enz

Farnen Fitzwater Ford Foster Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Relford Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Stokan Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Reynolds

PRESENT: 001

Kelly 27

ABSENT WITH LEAVE: 010

Bray 84 Champion Dolan Evans Foley

Franklin Murphy Reinhart Ridgeway Smith

VACANCIES: 002

Representative Gaw declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Riback Wilson moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 498**, relating to motor vehicle license plates, was taken up by Representative O'Connor.

Representative O'Connor offered **HS SCS SB 498**.

Representative Riback Wilson raised a point of order that the **House Substitute** goes beyond the scope of the bill.

Representative Auer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order untimely.

Representative Farnen offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 52, Section 301.451, Lines 20-24, and page 53, Section 301.451, Line 1, by deleting all of said lines and inserting in lieu thereof the following:

"each set of special purple heart license plates [issued equal to the fee charged for personalized license plates,] but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] **A fee for the issuance of personalized**"

On motion of Representative Farnen, **House Amendment No. 1** was adopted.

Representative Ladd Stokan offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 113, Section 18, Line 20, by inserting after all of said line the following:

**"Section 19. 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in**

excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Ladd Stokan, **House Amendment No. 2** was adopted.

Representative Secrest offered **House Amendment No. 3**.

Representative O'Connor raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Auer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Champion offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 113, Section 18, by inserting after said section the following new section:

**"Section 19. 1. The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multiyear personalized license plates as provided in this section.**

**2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem use contribution to the foundation, the foundation shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration.**

**3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.**

**4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law."; and**



Further amend the title and enacting clause accordingly.

Representative Champion moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Boatright

Burton Champion Chrismer Cierpiot Crawford

Dolan Elliott Enz Evans Foster

Gaskill Gibbons Graham 106 Griesheimer Gross

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Hosmer Howerton Kasten

Kelley 47 King Klindt Legan Levin

Linton Long Loudon Luetkemeyer Marble

McClelland Merideth Miller Murphy Naeger

Nordwald Patek Pouche Pryor Purgason

Reid Reinhart Richardson Robirds Ross

Sallee Schwab Scott Secrest Shields

Summers Surface Townley Tudor Vogel

Wright

NOES: 084

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Liese Luetkenhaus May 108 Mays 50

McBride McKenna McLuckie Monaco Murray

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Riley Rizzo Scheve

Schilling Seigfreid Selby Shelton Skaggs

Smith Stokan Thompson 37 Thompson 72 Treadway

Troupe Van Zandt Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 001

Blunt

ABSENT WITH LEAVE: 005

Froelker Lograsso Myers Ostmann Ridgeway

VACANCIES: 002

Representative Legan offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 43, Section 301.191, Line 10, by inserting after said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. [The] **If the inspection is completed by the sheriff, the** proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Legan, **House Amendment No. 4** was adopted.

On motion of Representative O'Connor, **HS SCS SB 498, as amended**, was adopted.

On motion of Representative O'Connor, **HS SCS SB 498, as amended**, was read the third time and passed by the following vote:

AYES: 108

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bennett Berkowitz  
Blunt Boatright Bonner Boucher Britt  
Burton Chrismer Clayton Crawford Crump  
Davis 63 Dolan Dougherty Elliott Enz  
Evans Farnen Foster Gambaro Gaskill  
George Gibbons Graham 106 Gratz Green  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hohulin Holand  
Hoppe Hosmer Howerton Kasten Kennedy  
King Kissell Klindt Koller Kreider  
Lawson Leake Legan Levin Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble McKenna Merideth Miller Monaco  
Murphy Murray Naeger Nordwald O'Connor  
O'Toole Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Reynolds  
Richardson Rizzo Robirds Ross Sallee  
Schwab Scott Secrest Seigfreid Selby  
Skaggs Stokan Summers Surface Townley  
Treadway Tudor Vogel Wagner Wiggins  
Williams 159 Wright Mr. Speaker

NOES: 030

Backer Boykins Campbell Carter Daniel  
Davis 122 Days Fitzwater Ford Franklin  
Fraser Graham 24 Gunn Kelly 27 Lakin  
May 108 Mays 50 McBride Relford Riley  
Scheve Schilling Shelton Smith Thompson 37  
Thompson 72 Troupe Van Zandt Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 023

Bartle Berkstresser Black Bray 84 Champion  
Cierpiot Foley Froelker Hagan-Harrell Hampton  
Harlan Hilgemann Hollingsworth Kelley 47 Lograsso  
McClelland McLuckie Myers Ostmann Patek  
Ridgeway Shields Ward

VACANCIES: 002

Representative Auer declared the bill passed.

On motion of Representative Murray, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up adopted the Conference Committee Report on **SS SCS HB 65, as amended**, and passed **CCS SS SCS HB 65**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 490 & HCS HB 308, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 368, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCR 35**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HB 368, as amended**: Senators Goode, Schneider, Maxwell, Russell and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 490 & HCS HB 308, as amended**: Senators Howard, Bland, Johnson, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCR 17**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCS HCRs 24 & 15**.

Senate Committee Substitute

for

House Committee Substitute

for

House Concurrent Resolutions Nos. 24 & 15

WHEREAS, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

WHEREAS, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to



tobacco products; and

WHEREAS, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

WHEREAS, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

WHEREAS, the U.S. Department of Health and Human Services has suspended recoupment activities; and

WHEREAS, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

WHEREAS, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

WHEREAS, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medicaid statute must be enacted to exempt tobacco settlement funds from recoupment:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCS HCR 29**.

Senate Committee Substitute

for

House Committee Substitute

for

House Concurrent Resolution No. 29

WHEREAS, the agricultural markets of the United States are largely controlled by the corporate entities engaged in the processing, handling and marketing of grains and livestock; and

WHEREAS, four companies process nearly fifty percent of the pork produced for retail sale in the United States and four companies produce nearly ninety percent of the beef produced for retail sale in the United States; and

WHEREAS, the pending purchase of the grain unit of Continental Grain Company by Cargill Inc., will create an entity controlling in excess of forty percent of all United States corn exports, thirty-four percent of soybean exports and twenty percent of wheat exports; and

WHEREAS, this level of concentration is a significant factor in the low state of market prices for grain and livestock in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call upon the Congress of the United States to:

1. Investigate and publicize the degree of concentration in the livestock and grain processing industry in the United States and in Missouri;
2. Investigate the degree of which processing companies compete or fail to compete for supplies of livestock and grain from farmers, with particular attention to the question of whether these companies have created no-competition zones;
3. Provide sufficient personnel and resources for effective enforcement of the federal Packers and Stockyards Act by the United States Department of Agriculture;
4. Instruct the United States Department of Justice and the Attorney General of Missouri to work cooperatively on all investigations of anti-competitive practices by livestock and grain processors;
5. Instruct the United States Department of Justice and Attorney General of Missouri to investigate the use of packer procurement practices related to forward contracts, marketing agreements and other forms of captive supply, and determine whether these constitute violations of the Packers and Stockyards Act;
6. Institute and finance appropriate anti-trust litigation and prosecution to end and prevent anti-competitive practices in the livestock and grain processing industry; and
7. Financially support private causes of action that are directed at ending and preventing anti-competitive practices in the livestock and grain processing industry; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for

the Missouri Congressional delegation, the United States Department of Agriculture, the United States Department of Justice and the Missouri Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS HCR 30**.

Senate Committee Substitute

for

House Concurrent Resolution No. 30

BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that the Joint Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in **HA 1, as amended** by **SPA 1** for **SCR 13**, and has taken up and adopted **SCR 13, as amended**.

*Senate Perfecting Amendment No. 1*

AMEND House Amendment No. 1 to Senate Concurrent Resolution No. 13, Page 1021, Column 1, Senate Journal 05/02/99, Line 2 of said column, by inserting after "members" the following: "of".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in **HCS** for **SCS SCR 15** and has taken up and adopted **HCS SCS SCR 15**.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SCS HB 368:** Representatives Murray, Franklin, Green, Hartzler (123) and Berkstresser

On motion of Representative Clayton, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1480 - Representative Treadway

House Resolution No. 1481 - Representatives Chrismer and Bennett

House Resolution No. 1482 - Representative Ostmann

House Resolution No. 1483 - Representative Surface

House Resolution No. 1484 - Representatives Hanaway and Tudor

**BILL IN CONFERENCE**

**CCR SCS HCS HB 139, as amended**, relating to tourism tax, was taken up by Representative Long.

Representative Long moved that **CCR SCS HCS HB 139, as amended**, be adopted.

Speaker Gaw resumed the Chair.

Representative Bray made a substitute motion to refer **CCR SCS HCS HB 139, as amended**, to the committee on Fiscal Review.

Which motion was defeated by the following vote:

AYES: 048

Auer Backer Boykins Bray 84 Britt

Campbell Carter Crump Daniel Davis 63

Dolan Farnen Foley Ford Fraser

George Gratz Green Hagan-Harrell Hendrickson

Hickey Hilgemann Kelly 27 Kennedy Lakin

Linton Loudon Marble Mays 50 McClelland

McKenna McLuckie Merideth Murray O'Connor

Purgason Schilling Selby Shelton Smith

Stokan Thompson 37 Townley Troupe Van Zandt

Wagner Williams 121 Wilson

NOES: 107

Abel Akin Alter Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Burton Champion Chrismer Cierpiot

Clayton Crawford Davis 122 Days Elliott

Enz Evans Fitzwater Foster Froelker

Gambaro Gaskill Gibbons Graham 106 Graham 24

Griesheimer Gross Gunn Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 King Kissell Klindt Koller

Kreider Lawson Leake Legan Levin

Lograsso Long Luetkemeyer Luetkenhaus May 108

McBride Miller Monaco Murphy Myers

Naeger Nordwald Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Reid

Reinhart Relford Reynolds Richardson Riley

Rizzo Robirds Ross Sallee Scheve

Schwab Scott Secrest Seigfreid Shields

Skaggs Summers Surface Thompson 72 Treadway

Tudor Vogel Ward Wiggins Williams 159

Wright Mr. Speaker

PRESENT: 000



ABSENT WITH LEAVE: 006

Dougherty Franklin Hohulin Liese O'Toole  
Ridgeway

VACANCIES: 002

Representative Long again moved that **CCR SCS HCS HB 139, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 118

Akin Alter Backer Ballard Barnett  
Bartelsmeyer Bartle Bennett Berkowitz Berkstresser  
Black Blunt Boatright Boykins Britt  
Burton Carter Champion Chrismer Cierpiot  
Crawford Crump Daniel Davis 122 Days  
Dolan Elliott Enz Evans Fitzwater  
Foley Ford Foster Franklin Froelker  
Gambaro Gibbons Graham 106 Graham 24 Gratz  
Griesheimer Gross Hagan-Harrell Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Linton Lograsso Long  
Luetkemeyer Luetkenhaus Marble May 108 McBride  
McKenna Miller Monaco Myers Naeger  
Nordwald O'Connor Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reinhart Relford Richardson Riley Rizzo  
Robirds Ross Sallee Schwab Scott  
Secrest Seigfreid Shelton Shields Skaggs  
Stokan Summers Surface Thompson 37 Townley  
Troupe Tudor Vogel Wiggins Williams 159  
Wilson Wright Mr. Speaker

NOES: 037

Abel Auer Barry 100 Bonner Bray 84  
Campbell Clayton Davis 63 Farnen Fraser  
Gaskill George Green Gunn Hampton

Hickey Kelly 27 Kennedy Loudon Mays 50  
McClelland McLuckie Merideth Murphy Murray  
Reid Reynolds Scheve Schilling Selby  
Smith Thompson 72 Treadway Van Zandt Wagner  
Ward Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 006

Boucher Dougherty Hohulin Liese O'Toole  
Ridgeway

VACANCIES: 002

On motion Representative Long, **CCS SCS HCS HB 139** was read the third time and passed by the following vote:

AYES: 119

Akin Alter Auer Backer Ballard  
Barnett Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Boucher  
Boykins Britt Burton Carter Champion  
Cierpiot Crawford Crump Daniel Davis 122  
Days Dolan Elliott Enz Evans  
Fitzwater Foley Ford Foster Franklin  
Froelker Gambaro Gaskill Gibbons Graham 106  
Graham 24 Gratz Griesheimer Hagan-Harrell Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Linton Lograsso  
Long Luetkemeyer Luetkenhaus Marble May 108  
McBride McKenna Merideth Miller Monaco  
Myers Naeger Nordwald O'Connor Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reinhart Relford Richardson  
Rizzo Robirds Ross Schwab Scott  
Secrest Seigfreid Shelton Shields Skaggs  
Summers Surface Thompson 37 Townley Treadway  
Troupe Tudor Vogel Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 034

Abel Barry 100 Bonner Bray 84 Campbell

Chrismer Clayton Davis 63 Farnen Fraser

George Green Gross Gunn Hampton

Hickey Kelly 27 Kennedy Loudon Mays 50

McClelland McLuckie Murray Reid Reynolds

Riley Scheve Schilling Selby Smith

Thompson 72 Van Zandt Wagner Ward

PRESENT: 000

ABSENT WITH LEAVE: 008

Dougherty Hohulin Liese Murphy O'Toole

Ridgeway Sallee Stokan

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 118

Alter Auer Backer Ballard Barnett

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Boucher Boykins

Britt Burton Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Dolan Elliott Enz Evans

Fitzwater Foley Ford Foster Franklin

Gaskill Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Hagan-Harrell Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hilgemann Hohulin

Holand Hoppe Howerton Kasten Kelley 47

Kelly 27 King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Linton Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 McClelland McKenna

Merideth Miller Monaco Myers Naeger

Nordwald O'Connor Ostmann Overschmidt Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Schwab Scott Secrest

Seigfreid Shelton Shields Skaggs Stokan

Summers Surface Thompson 37 Townley Treadway

Troupe Tudor Vogel Wiggins Williams 159

Wilson Wright Mr. Speaker

NOES: 038

Abel Akin Barry 100 Bonner Bray 84

Campbell Davis 63 Days Farnen Fraser

Froelker Gambaro George Green Gunn

Hampton Hendrickson Hickey Hollingsworth Kennedy

Lograsso Mays 50 McBride McLuckie Murray

O'Toole Parker Reynolds Riley Scheve

Schilling Selby Smith Thompson 72 Van Zandt

Wagner Ward Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 005

Dougherty Hosmer Liese Murphy Ridgeway

VACANCIES: 002

On motion of Representative Koller, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

#### **HOUSE RESOLUTION**

**HR 1429**, relating to Missouri Air National Guard, was taken up by Representative Gaw and read.

House Resolution No. 1429

WHEREAS, members of the Missouri Air National Guard have been called to Active Duty, by the President of the United States, in support of NATO's Operation Allied Force; and

WHEREAS, the men and women of the Missouri Air National Guard have answered the call to serve our nation during the Korean Conflict, Berlin Airlift, Vietnam Conflict, Desert Shield, Desert Storm, and peacekeeping missions in support of the United Nations; and

WHEREAS, the Missouri Air National Guard has served with honor, courage, and distinction in Saudi Arabia, Kuwait, Bosnia,



Hungary, Honduras, Panama, Turkey, and in a host of other nations in peacekeeping or nation building roles to establish and maintain peace; and

WHEREAS, the Missouri Air National Guard is an integral component of the United States Air Force total force structure; and

WHEREAS, the men and women of the Missouri Air National Guard are well trained and motivated professionals prepared to respond to any situation, foreign or domestic; and

WHEREAS, the men and women of the Missouri Air National Guard have continuously rendered outstanding and unselfish service to the United States of America, the great State of Missouri, and the local community:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously in support of the men and women of the Missouri Air National Guard as they depart, expressing the gratitude of all Missourians for their patriotism and sacrifices made in the name of Freedom; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Air National Guard.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HB 516**, entitled:

An act to repeal sections 143.111, 143.151 and 147.010, RSMo 1994, and section 143.161, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof five new sections relating to the same subject.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16, Senate Amendment No. 17, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21, Senate Amendment No. 22, Senate Amendment No. 25, Senate Amendment No. 26, Senate Amendment No. 27, Senate Amendment No. 28, Senate Amendment No. 30, Senate Amendment No. 32 and Senate Substitute Amendment No. 1 for Senate Amendment No. 33.

#### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 143.111, Line 1, by inserting immediately before said line the following:

**"135.636. 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer shall be allowed a credit against his or her state tax liability equal to ten percent of the amount of all real property taxes which the taxpayer has paid to this state or to any political subdivision of this state during the calendar year for which the income tax return is being filed, but not to exceed one hundred dollars for any one parcel of real property which is wholly owned by the taxpayer or by the taxpayer and the taxpayer's spouse. If the amount allowable as a credit exceeds the amount of the taxpayer's state income tax liability for the taxable year, the excess shall be considered an overpayment of income tax. The credit authorized pursuant to this section may not be claimed for the same taxable year for which the taxpayer is claiming a credit pursuant to section 135.020.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.";** and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 147.010, Line 1 of said section, by inserting immediately before said line the following:

**"144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed**

to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(4) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, RSMo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(5) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(6) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(7) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

**(8) "Research or experimentation activities", activities directed toward the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;**

[(8)] **(9)** "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(9)] **(10)** "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;



(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

[(10)] **(11)** "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed under section 144.020;

[(11)] **(12)** The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he is required to report his collections, as the context may require;

[(12)] **(13)** "Telecommunications service", for the purpose of chapter 144, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill:

(a) Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecom-munications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

[(13)] **(14)** "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010, RSMo.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products

intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory



aides, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery and equipment and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of

residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

**(37) Tangible personal property purchased for use or consumption directly or predominantly in research or experimentation activities.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.070, Line 9, by inserting after all of said line the following:

**"Section 1. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an**



amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies."; and further amend said section by renumbering the remaining subsections; and further amend line 10 of said section, by striking "credit" and inserting in lieu thereof "**credits**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5, by inserting immediately after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents; and

(c) [Except] Where **a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents, except when** it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child[, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents];

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, **and before January 1, 2000**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

**4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold.**

135.333. 1. Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

**2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section Title, Line 5, by inserting after the word "subject" the following: ", with penalty provisions for a certain section and an effective date for a certain section"; and

Further amend said bill, Page 7, Section 147.010, Line 9, by inserting immediately after said line the following:

**"Section 1. 1. As used in this section, the following terms mean:**

**(1) "Children", dependent natural, adopted or foster children, dependent stepchildren, or dependent wards;**

**(2) "Net expenditures", only those amounts paid or incurred for child care services or irrevocably contributed to a fund established exclusively to contract for child care services rendered pursuant to a written contract with a third-party provider less any amounts received by the qualified taxpayer from any source for the provision of child care services;**

**(3) "Qualified taxpayer", an employer who makes expenditures pursuant to this section.**

**2. For taxable years commencing on or after January 1, 2000, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, to the extent of ten percent of the net expenditures made directly or through a fund during a taxable year by the taxpayer in making available child care services to children of employees of the taxpayer. No credit shall be allowed for any amounts for which any other credit is claimed or allowed pursuant to chapter 143, RSMo, for the same net expenditures.**

**3. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may be carried forward into a subsequent taxable year as otherwise provided by law.**

**4. No such credit shall be allowed:**

**(1) To an employer who fails to provide subsidized child care services on a sliding scale, based on need, to parents of at least twenty-five percent of the children served by the facility for which the credit is sought;**

**(2) To an employer who unfairly discriminates among the employer's employees on the basis of race, creed, religion or national origin as a factor in making available child care services, except that, it may give a preference to children of child care dependent employees in providing services qualifying for a credit pursuant to this section; or**

**(3) For services provided by a facility which is not licensed pursuant to the provisions of sections 210.201 to 210.245, RSMo, and subject to the regulations of the department of health governing child care facilities.**

Section B. Section 1 of this act shall become effective on January 1, 2000, and shall apply to all taxable years beginning after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Section 143.113, Lines 15-18, by striking all of said lines and inserting in lieu thereof the following: **"as amended, for the same taxable year, and shall only be deductible to the extent that such amounts are not deducted on the taxpayer's federal income tax return for that taxable year."**



*Senate Amendment No. 10*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"33.080. All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, **excluding all funds received and/or dispersed by the state in behalf of counties and cities, towns and villages** shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the ordinary revenue fund of the state by the state treasurer. Any official or any person who shall wilfully fail to comply with any of the provisions of this section, and any person who shall wilfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the university of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted therefrom, and in the case of other state educational institutions there is excepted therefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

136.110. The director of revenue shall promptly record all sums of money collected or received by him and shall immediately thereafter deposit the same with the state treasurer **excluding all funds received and/or dispersed by the state in behalf of counties and cities, towns and villages**. The state treasurer, upon receipt of any moneys from the director of revenue, shall give his receipt therefor, executing the same in triplicate, and shall deliver on copy of such receipt to the director of revenue, one copy to the commissioner of administration, and shall retain the third copy thereof in the files of the state treasurer. The books of the director of revenue shall be audited by the state auditor at such times as may be required by law, and at such other times as may be directed by the governor."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after all of said section the following:

**"Section 1. 1. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of all eligible access expenditures exceeding the monetary cap provided by section 44 of the Internal Revenue Code. For purposes of this section, "eligible access expenditures" means amounts paid or incurred by the taxpayer in order to comply with applicable access requirements provided by the Americans With Disabilities Act of 1990, as further defined in section 44 of the Internal Revenue Code and federal rulings interpreting section 44 of the Internal Revenue Code.**

**2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any subsequent taxable year, but shall not be refunded and shall not be transferrable.**

**3. The director of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**4. This section shall become effective on January 1, 2000, and shall apply to all taxable years beginning after December 31, 1999.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 12*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section Title, Line 5 of said page, by inserting after "subject" the following: ", with an emergency clause for certain sections"; and

Further amend said bill, page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

"136.300. [In any proceeding before the director of revenue or upon review by the administrative hearing commission, the burden of proof shall be on the taxpayer except for the following issues, as to which the burden of proof shall be on the director of revenue:

(1) Whether the taxpayer has been guilty of fraud with attempt to evade tax;

(2) Whether the petitioner is liable as the transferee of property of a taxpayer (but not to show that the taxpayer was liable for the tax); and

(3) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of deficiency was mailed and protest filed, unless such increase in deficiency is the result of change or correction of federal taxable income required to be reported by the taxpayer, and of which change or correction the director of revenue had no knowledge or notice at the time he mailed the notice of deficiency.] **1. With respect to any issue relevant to ascertaining the tax liability of a taxpayer all laws of the state imposing a tax shall be strictly construed against the taxing authority in favor of the taxpayer. The director of revenue shall have the burden of proof with respect to any factual issue relevant to ascertaining the liability of a taxpayer provided, however, only if:**

**(1) The taxpayer has produced evidence that establishes that there is a reasonable dispute with respect to the issue; and**

**(2) The taxpayer has adequate records of its transactions and has cooperated with reasonable requests by the director of revenue for witnesses, information, documents, meetings and interviews.**

**136.303. 1. Audit findings conducted by the department of revenue shall be accompanied, upon written request by the taxpayer under audit, by a statement from the supervising auditor of the basis for such findings, including relevant statutes, regulations, case law and private letter rulings, if applicable.**

**2. Any taxpayer who has been determined to be an innocent spouse pursuant to section 6015 of the Internal Revenue Code and who filed a combined state income tax return for the same taxable year shall be considered an innocent spouse for state income tax purposes, and shall be accorded the same protections and relief of liability as provided under the federal law.**

**3. All agents and employees of the department of revenue shall be subject to the same provisions of the Fair Debt Collections Practices Act as made applicable to the Internal Revenue Service pursuant to the Internal Revenue Service Restructuring and Reform Act of 1998. A taxpayer shall have standing to bring a civil action for damages limited to the actual economic loss, subject to appropriation, against the department of revenue in the circuit court of the county in which the taxpayer resides for any collection practice which violates these provisions."; and**

Further amend said bill, Pages 4-7, Section 147.010, by striking all of said lines and inserting in lieu thereof the following:

"147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, every corporation organized [under] **pursuant** or subject to chapter 351, RSMo, or [under] **pursuant to** any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose [herein] contained **in this section**, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares [should exceed] **exceeds** five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds two hundred thousand dollars, and for the purposes of [this chapter] **sections 147.010 to 147.120**, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether under a certificate of authority issued [under] **pursuant to** chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated [above] **in this subsection** does not exceed two hundred thousand dollars shall state that fact on [a] **the annual report** form prescribed by the secretary of state. **For all taxable years beginning on or after January 1, 2000, the annual franchise tax shall be equal to one-fortieth of one percent of the par value of the corporation's outstanding shares and surplus on the outstanding shares and surplus which exceeds one million dollars. Any corporation whose outstanding shares and surplus does not exceed one million dollars shall state that fact on the prescribed form.**

**2. For all taxable years beginning on or after January 1, 2000, any corporation owning franchise tax may deduct an amount equal to the tax due up to five hundred dollars from the amount of franchise tax owed for that taxable year.**

**3. [This law] Sections 147.010 to 147.120 shall not apply to corporations not organized for profit, nor to corporations organized [under] pursuant to the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized under any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss**



incurred by any member by assessment, nor to any mutual insurance corporation not having shares, nor to a company or association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of money to the family, heirs, executors, administrators or assigns of the deceased member, nor to foreign life, fire, accident, surety, liability, steam boiler, tornado, health or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state, nor to savings and loan associations and domestic and foreign regulated investment companies as defined by section 170 of the act of Congress commonly known as the "Revenue Act of 1942", nor to electric and telephone corporations organized [under chapters] pursuant to chapter 351, RSMo, and chapter 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations [under] pursuant to section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible [under] pursuant to the provisions of [this chapter] sections 147.010 to 147.120.

[3.] 4. A corporation's "taxable year" for purposes of [this chapter] sections 147.010 to 147.020 shall be its taxable year as provided in section 143.271, RSMo.

[4.] 5. A corporation's "transitional year" for the purposes of [this chapter] sections 147.010 to 147.020 shall be its taxable year which includes parts of each of the years 1979 and 1980.

[5.] 6. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed [under] pursuant to regulations prescribed by the [secretary of state] director of revenue.

[6.] 7. All franchise reports and franchise taxes shall be returned to the [secretary of state who shall transfer such taxes to the director of revenue] director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

[7.] 8. Pursuant to section 32.057, RSMo, [shall apply to the secretary of state as equally as it applies to the director of revenue and the secretary of state] the director of revenue shall maintain the confidentiality of all franchise tax reports returned to [him. Such reports, however, may be made available at any time to the director of revenue and the director of revenue will maintain their confidentiality] the director.

**9. The director of the department of revenue shall honor all existing agreements between taxpayers and the director of the department of revenue.**

147.020. 1. For each taxable year beginning on or after January 1, 1980, every corporation liable to the tax prescribed in section 147.010 shall make a report in writing showing the financial condition of the corporation at the beginning of business on the first day of its taxable year to the [secretary of state] director of revenue annually on or before the [fifteenth day of the fourth month of the corporation's taxable year] due date of the corporation's state income tax return as set forth in chapter 143, RSMo, in such form as the [secretary of state] director of revenue may prescribe. The report shall be signed by an officer of the corporation.

2. For each taxable year beginning on or after January 1, 1980, if a corporation [shall obtain] obtains an extension of time for filing its annual Missouri income tax return pursuant to section 143.551, RSMo, such corporation [will] shall also be granted a corresponding extension of time for filing the report required [under this chapter] pursuant to sections 147.010 to 147.020 for its taxable year immediately succeeding the taxable year for which the income tax extension is granted. [At the time the corporation files its annual corporate report, it shall inform the secretary of state in writing of such extension.]

3. Every corporation having a transitional year liable for the tax prescribed in section 147.010 shall make a report in writing, showing the financial condition of the corporation at the beginning of business on the first day of its transitional year, on or before April 15, 1980, in such form as the director may prescribe. The report shall be signed by an officer of the corporation.

147.030. 1. For each taxable year beginning on or after January 1, 1980, the franchise tax provided for in this chapter shall be paid on or before the [fifteenth day of the fourth month of the corporation's taxable year] due date of the corporation's state income tax return as set forth in chapter 143, RSMo.

2. For each taxable year beginning on or after January 1, 1980, if a corporation shall obtain an extension of time for paying its annual Missouri income tax pursuant to section 143.551, RSMo, such corporation will also be granted a corresponding extension of time for paying the franchise tax due under this chapter for its taxable year immediately succeeding the taxable year for which the income tax extension is granted.

3. If the time for filing the franchise tax report is extended under section 147.020, but the time for payment of the franchise tax is not extended under this section, the corporation shall pay, [on or before the fifteenth day of the fourth month of its taxable year] by the due date as prescribed in this section, the amount properly estimated as its franchise tax for the taxable year.

4. Every corporation having a transitional year shall pay the franchise tax provided for in this chapter on or before the fifteenth day of April 1980.

147.040. 1. As soon as practical after a corporation's franchise tax report is filed, the [secretary of state] director of revenue shall examine it to determine the correct amount of tax based upon the facts contained in the report or upon any information within [his] the director's possession or that may come into [his] the director's possession. [The director of revenue may

provide any additional information to the secretary of state for the purpose of determining the correct tax and that additional information shall be kept confidential pursuant to section 147.010.]

2. In the event that the amount of tax is understated on a corporation's franchise tax report, the [secretary of state] **director of revenue** shall notify the corporation that an amount of tax in excess of that shown on the return is due and has been assessed. Such assessment shall be final unless the corporation files a protest with the [secretary of state] **director of revenue**, setting forth the grounds on which the protest is based, within [thirty] **sixty** days from the date the notice of assessment was mailed to the corporation.

3. If a protest is filed, the [secretary of state] **director of revenue** shall reconsider the assessment, and, if the corporation has so requested, shall grant the corporation a hearing within ninety days after the protest is filed unless extended by agreement between the corporation and the [secretary of state] **director of revenue**.

4. Notice of the [secretary of state's] **director of revenue's** determination shall be mailed to the corporation by certified or registered mail and such notice shall set forth briefly the [secretary of state's] **director of revenue's** findings of fact and the basis of decision in each case decided in whole or in part adversely to the corporation.

5. The action of the [secretary of state] **director of revenue** on the corporation's protest is final upon the expiration of thirty days from the date when [he] **the director** mails notice of [his] **the director's** action to the corporation unless within this period the corporation seeks review of the [secretary of state's] **director of revenue's** determination by the administrative hearing commission.

6. In the event that the amount of tax is overstated on a corporation's franchise tax report, the [secretary of state] **director of revenue** shall notify the corporation that the tax paid is more than the correct amount and credit such overpayment against any tax, interest, **additions to tax** or penalties due from such corporation and refund the difference.

7. No assessment or refund shall be made unless the amount exceeds [one dollar] **ten dollars**.

8. If any corporation subject to the provisions of [this chapter shall fail or neglect] **sections 147.010 to 147.020 fails or neglects** to make the report required by sections 147.010 to 147.120 or pay its franchise taxes within ninety days after the time required by sections 147.010 to 147.120 (determined with regard to any extension of time for filing its franchise tax report or for the payment of its franchise tax), such corporation, if organized [under] **pursuant to** the laws of this state, shall be administratively dissolved [under] **pursuant to** the provisions of sections 351.484 and 351.486, RSMo, or if a foreign corporation, shall have its certificate of authority revoked [under] **pursuant to** the provisions of sections 351.598 and 351.602, RSMo.

147.050. 1. For each taxable year beginning on or after January 1, 1980, every corporation organized [under] **pursuant to** any laws of this state and every foreign corporation engaged in business in this state and having no shares shall make a report in writing to the [secretary of state] **director of revenue**, annually, on or before the fifteenth day of the fourth month of the corporation's taxable year, in the form as the [secretary of state] **director of revenue** may prescribe.

2. The report shall be signed by an officer of the corporation, and forwarded to the [secretary of state; provided, that all state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized under any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss incurred by any member by assessment, shall not be required to make reports and shall be exempt from all the provisions of this section and chapter and shall not be required to pay any fees as in this chapter provided] **director of revenue**.

3. Every corporation having a transitional year and coming under the provisions of this section shall make the report required [hereunder] **in this section** on or before the fifteenth day of April, 1980.

[147.070. 1. Every corporation organized as a mutual insurance corporation not having shares, or any other corporation not organized strictly for religious, charitable or educational purposes and having no shares or of a company or association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of money to the family, heirs, executors, administrators or assigns of the deceased member thereof shall in addition to filing the report prescribed in section 147.050 pay an annual fee of twenty-five dollars.

2. All foreign life, fire, accident, surety, liability, steam boiler, tornado, health, or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state having outstanding shares with stated capital of less than five hundred thousand dollars shall pay an annual fee of fifty dollars, and all other such insurance companies having outstanding shares with stated capital of more than five hundred thousand dollars an annual fee of one hundred dollars for the privilege of doing business in this state, and all savings and loan associations and domestic and foreign regulated investment companies as defined by section 170 of the act of Congress commonly known as the "Revenue Act of 1942", as now existing or hereafter amended, to pay an annual fee to the state of twenty-five dollars for the privilege of doing business in this state in place of the fee based on the outstanding shares and surplus as herein provided.

3. For each taxable year beginning on or after January 1, 1980, any corporation coming under the provisions of this section shall pay the fee stipulated hereunder on or before the fifteenth day of the fourth month of the corporation's taxable year.

4. Every corporation having a transitional year and coming under the provisions of this section shall compute the fee due hereunder as provided in subsection 6 of section 147.010 and pay such fee on or before the fifteenth day of April 1980.]

[147.080. All insurance companies, savings and loan associations, and other corporations, the fees of which are fixed at lump



sums by this chapter, shall not be required to set out in the report required by this chapter, the value of its property within this state or without this state.]

147.100. If any corporation fails or refuses to make full and complete answers to the questions contained in the report required to be filed by it, or if the director of revenue [or secretary of state] finds that any answer contained in such report is untrue, or if the director [or secretary of state] has reason to believe that any corporation has made a false statement or concealed any facts which are material in determining the amount of tax for which such corporation is liable [under] **pursuant to the provisions of [this chapter] sections 147.010 to 147.020**, then the director [or secretary of state] may require the delinquent corporation, its officers, agents, or employees to furnish information concerning its shares which is necessary in determining the tax to be paid by it. Any corporation may seek a review of the determination of the tax due by the administrative hearing commission.

147.120. 1. If any corporation fails or refuses to pay the taxes (including interest and penalties) assessed against it after such assessment becomes final, the [secretary of state] **director of revenue** shall certify a list of the corporations so delinquent to the attorney general who shall proceed forthwith to collect the same. Suits for the collection of the taxes may be brought in the name of the state in any court of competent jurisdiction and any judgment rendered [therein] **in such court** in favor of the state shall be a first lien on all properties and assets of the corporation within this state.

2. **The director of revenue shall notify the secretary of state of any corporation that fails to refuses to pay the taxes, including interest and penalties, assessed against it after such assessment becomes final and the secretary of state shall then undertake to administratively dissolve any domestic corporation that is delinquent pursuant to section 351.486, RSMo, and shall undertake to revoke the certificate of authority of any foreign corporation that is delinquent pursuant to section 351.602, RSMo.**

3. Any tax provided for [under] **pursuant to** sections 147.010 to 147.120 not paid on or before the last day prescribed for payment [under] **pursuant to** sections 147.010 to 147.120 (determined with regard to any extension of time for payment) shall be collected with a penalty of five percent per month or fractional part thereof until paid, not exceeding twenty-five percent in the aggregate. Interest at the rate determined by section 32.065, RSMo, shall be added to any tax not paid on or before the date due [under] **pursuant to** sections 147.010 to 147.120 (determined without regard to any extension of time for payment). Nothing in sections 147.010 to 147.120 shall be construed so as to permit any officer of this state to remit or abate such interest.

[3.] 4. If any corporation fails to pay any tax due within the time prescribed [under] **pursuant to** sections 147.010 to 147.120 or if any corporation makes errors and omissions in reports or payments, and the [secretary of state] **director of revenue** determines that such action is the result of mistake or is due to circumstances beyond reasonable control and that such delinquency or inaccuracy was unavoidable or devoid of any intent to evade the tax, the [secretary of state] **director of revenue** may, at [his] **the director's** discretion, waive any penalty that would otherwise be imposed.

[4. On the first business day in January each year, the state treasurer shall certify to the secretary of state the average auction yield on one-year United States treasury bills during the preceding twelve months. This] 5. **The director of revenue shall set the interest rate as determined in section 32.065, RSMo. Such** interest rate shall be paid on all overpayments for the ensuing calendar year. The interest shall accrue from the due date or the date of overpayment, whichever is later. No interest shall be allowed or paid if overpayment is refunded within four months after the franchise tax report is filed.

[5.] 6. Any notice of assessment of franchise tax due shall be mailed to the corporation within three years after the report was filed. The provisions of this subsection shall apply to all reports filed after December 31, 1981.

[6.] 7. If no report is filed or if a false and fraudulent report is filed, a notice of assessment of franchise tax due may be mailed to the corporation at any time.

[7.] 8. If fraud or evasion on the part of a corporation or anyone on behalf of a corporation is discovered, the [secretary of state] **director of revenue** shall determine the amount of which the state has been defrauded, shall add to the amount so determined a penalty equal to [twenty-five] **fifty** percent thereof, and shall assess the same against the corporation. The amount so assessed shall be immediately due and payable; except that, the [secretary of state] **director of revenue** shall promptly thereafter give to such corporation written notice of such assessment and penalty, which notice shall be served by registered mail. Such corporation shall have the right to petition for hearing of such assessment, as is provided in sections 147.010 to 147.120.

[8.] 9. Any person who willfully makes a false corporation franchise tax report, or who willfully makes a false statement in any report under oath or otherwise filed with or transmitted to the [secretary of state] **director of revenue** relating to the amount of any franchise tax due [under] **pursuant to** sections 147.010 to 147.120 shall, in addition to other penalties provided by law and upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned in the county jail for not more than one year or by not less than two nor more than five years in the state penitentiary or by both fine and imprisonment together with the cost of prosecution.

[9.] 10. The [secretary of state] **director of revenue** shall administer and enforce the tax imposed by sections 147.010 to 147.120, and [he] **the director** is authorized to make such rules and regulations and to require such facts and information to be reported as [he] **the director** may deem necessary to enforce the provisions of sections 147.010 to 147.120.

[10.] 11. No rule or portion of a rule promulgated [under] **pursuant to** the authority of sections 147.010 to 147.120 shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

12. **Except as otherwise specifically provided in sections 147.010 to 147.120, the franchise tax shall be administered**

as prescribed in the following provisions of chapter 143, RSMo: subsections 1 and 4 of section 143.551, RSMo, sections 143.561, 143.571, 143.621, 143.631, 143.641, 143.651, 143.661, 143.681, 143.691, 143.721 and 143.731, RSMo, subsection 1 of section 143.741, RSMo, subsections 1, 2 and 5 of section 143.751, RSMo, sections 143.771 and 143.791, RSMo, subsections 1, 2 and 4 of section 143.811, RSMo, sections 143.831, 143.841 and 143.851, RSMo, subsections 2 and 3 of section 143.861, RSMo, and sections 143.901, 143.902, 143.971 and 143.986, RSMo.

351.120. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this state, shall file an annual corporation registration report [simultaneously with the corporation's franchise tax report] stating its corporate name, the name of its registered agent and such agent's Missouri address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters. The annual corporation registration report shall be due on the date that the corporation's franchise tax report is due as required in section 147.020, RSMo, or within thirty days of the date of incorporation of the corporation; but any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report.

351.484. The secretary of state may commence a proceeding [under] **pursuant to** section 351.486 to dissolve a corporation administratively if:

- (1) The corporation [does not pay any franchise taxes or penalties imposed by this chapter within thirty days after such taxes or penalties are due] **fails to pay any final assessment of Missouri corporation franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;**
- (2) The corporation does not deliver its annual report to the secretary of state within thirty days after it is due;
- (3) The corporation is without a registered agent or registered office in this state for thirty days or more;
- (4) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;
- (5) The corporation's period of duration stated in its articles of incorporation expires;
- (6) The corporation procures its franchise through fraud practiced upon the state;
- (7) The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same [shall have] **has** been delivered by the secretary of state to the corporation, either personally or by mail;
- (8) The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or
- (9) The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

351.598. The secretary of state may commence a proceeding [under] **pursuant to** section 351.602 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

- (1) The foreign corporation does not deliver its annual report to the secretary of state within thirty days after it is due;
- (2) The foreign corporation [does not pay within thirty days after they are due any franchise taxes or penalties imposed by this chapter] **fails to pay any final assessment of Missouri corporation franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;**
- (3) The foreign corporation is without a registered agent or registered office in this state for thirty days or more;
- (4) The foreign corporation does not inform the secretary of state [under] **pursuant to** section 351.588 or 351.592 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty days of the change, resignation, or discontinuance;
- (5) An incorporator, director, officer, or agent of the foreign corporation signed a document [he] **the person** knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;
- (6) The secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or has disappeared as the result of a merger;
- (7) The foreign corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or
- (8) The foreign corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure."; and



Further amend said bill, Page 7, Section 147.010, Line 9, by inserting after all of said line the following:

"Section B. Because immediate action is necessary in order to reform the law governing the franchise tax on corporations doing business in this state, sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.100, 147.120, 351.484, 351.120 and 351.598 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.100, 147.120, 351.484, 351.120 and 351.598 of this act shall be in full force and effect upon its passage and approval."; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Section 147.010, Pages 4, 5, 6 and 7, by striking said section from the bill. and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 13*

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

**"144.051. 1. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and from the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and under any local sales tax law, as defined in section 32.085, RSMo, any equipment purchased by a federally licensed commercial or public broadcast station when such equipment purchase is made as a result of federal mandate and the technological change that results. This exemption does not apply to replacement of equipment necessitated by a result of use or equipment replaced due to damage or theft.**

**2. As used in this section, the following terms mean:**

- (1) "Broadcast equipment", such equipment as may be necessary for the broadcast station to fulfill those obligations as set forth under federal guidelines;**
- (2) "Federal mandate", any action of the congress of the United States or any federal regulatory agency having jurisdiction with regard to broadcast stations when such action requires broadcasters to alter methods of operation;**
- (3) "Federally licensed broadcast station", any enterprise, either commercial or non-commercial, which operates under a license granted by the Federal Communications Commission for the purpose of the free distribution of audio and/or video services when such distribution occurs by means of transmission over the public airwaves;**
- (4) "Technological change", those changes in the design and methods of operation of broadcast equipment which would, by virtue of these changes, require the implementation and/or installation of replacement equipment and the updating of existing equipment."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 14*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by adding the following:

**"Section 1. A credit shall be allowed against the tax otherwise due by any entity which is at least fifty-one percent owned by a Missouri family or families for equipment, machinery and components thereof used in the harvesting and production of timber and wood products including transportation equipment provided such transportation equipment does not provide in excess of ten percent of the gross revenue of such entity. Such credit shall not exceed fifty percent of the amount paid in sales or use tax to the State of Missouri or five thousand dollars whichever is the lesser amount. The total amount of tax credits available to these entities shall not exceed five hundred thousand dollars in a fiscal year. Should the total tax credits requested exceed five hundred thousand dollars then the percentage allowed shall be pro-rated to reflect such limitations."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 15*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Section A, Line 5, by inserting after said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for profit agribusiness associations**;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 16*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

"137.073. 1. As used in this section, the following terms mean:

- (1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;
- (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;
- (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year under subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;
- (4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue under this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes under chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax under section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation, exclusive of new construction and improvements. All political subdivisions shall immediately revise the rates of levy for each purpose for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to the actual assessment growth within the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to



produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court under sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates under this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the consumer price index for all urban consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, under the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated under section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established under this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority under any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated under this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall examine such information and return to the county clerk his findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. The county clerk shall forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The auditor's findings are advisory for the information of the taxing authority and the public.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action under this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained under this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him from the class if he so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he desires, enter an appearance. In any class action brought under this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his taxes when an improper rate is applied has erroneously paid his taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds under this subsection. No taxpayer shall receive any interest on any money erroneously paid by him under this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

**10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state auditor. The state auditor shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 17*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

"143.021. 1. Every resident having a taxable income of less than nine thousand dollars shall determine his tax from a tax table prescribed by the director of revenue and based upon the rates provided in section 143.011. The tax table shall be on the basis of one hundred dollar increments of taxable income below nine thousand dollars. The tax provided in the table shall be the amount rounded to the nearest whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint of each increment, except there shall be no tax on a taxable income of less than one hundred dollars. Every resident having a taxable income of nine thousand dollars or more shall determine his tax from the rate provided in section 143.011.

**2. For every calendar year beginning on or after January 1, 2000, the director of the department of revenue shall adjust the levels of Missouri taxable income as provided in section 143.011 to reflect the change in the consumer price index for all urban consumers of the United States, as reported by the United States Department of Labor, for**



the immediately preceding calendar year. The adjusted levels of Missouri taxable income shall then be used by the director of the department of revenue to compile the tax table to be used for the taxable year in which the adjustment is made by the director of the department of revenue. The director of the department of revenue may promulgate such rules or regulation as are necessary to implement the provisions of this section. No rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 19*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.171, Line 5, by inserting at the end of said line the following:

"3. For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed fifteen thousand dollars on a single taxpayer's return or thirty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, but before December 31, 2001, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2002, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection. Nothing in this subsection shall be construed to reduce the amount of funds transferred by the state treasurer to the outstanding schools trust fund pursuant to subsection 3 of section 160.500, RSMo."

*Senate Amendment No. 20*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5, by inserting after all of said line the following:

"135.630. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;
- (5) "Unplanned pregnancy resource center", a nonresidential facility:
  - (a) Located in this state and established for the purpose of providing assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
  - (b) Where childbirths are not performed and little or no birth control services are provided; and
  - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and
  - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services

by telephone; and

(e) Which provides most of its services at no cost; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

In cases where two or more unplanned pregnancy resource centers are controlled by the same corporate entity and more than one-half of the annual income of each such center is derived from common fund-raising efforts which benefit all such centers controlled by the same corporate entity, the director shall make one equal apportionment to the corporate entity and not separate equal apportionments to each facility classified as an unplanned pregnancy resource center and controlled by the same corporate entity. However, for purposes of informing taxpayers of which facilities have been classified as unplanned pregnancy resource centers pursuant to subsection 6 of this section, the director may list separately each unplanned pregnancy resource center controlled by the same corporate entity.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.

9. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999."

*Senate Amendment No. 21*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after all of said line the following:

"351.025. 1. Any existing corporation heretofore organized for profit under any special law of this state may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares.

2. Any health services corporation organized as a not for profit corporation pursuant to chapter 354, RSMo, that has complied with the provisions of section 354.065, RSMo, may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares, if any.



3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [1999] **2000**.

354.065. 1. A corporation may amend its articles of incorporation from time to time in the manner provided in chapter 355, RSMo, and shall file a duly certified copy of its certificate of amendment with the director of insurance within twenty days after the issuance of the certificate of amendment by the secretary of state. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

2. A health services corporation organized as a not for profit corporation under this chapter may amend its articles in the manner provided in chapter 355, RSMo, to change its status to that of a for profit business corporation and accept the provisions of chapter 351, RSMo, by:

(1) Adopting a resolution amending its articles of incorporation or articles of agreement so as:

(a) To eliminate any purpose, power or other provision thereof not authorized to be set forth in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(b) To set forth any provision authorized pursuant to chapter 351, RSMo, to be inserted in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo, which the corporation chooses to insert therein and the material and information required to be set forth pursuant to chapter 351, RSMo, in the original articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(2) Adopting a resolution accepting all of the provisions of chapter 351, RSMo, and providing that such corporation shall for all purposes be thenceforth deemed to be a corporation organized pursuant to chapter 351, RSMo;

(3) By filing with the secretary of state a certificate of acceptance of chapter 351, RSMo;

(4) By complying with the provisions of sections 355.616 and 355.621, RSMo, to the extent those sections would apply if such health services corporation were merging with a domestic business corporation with the proposed amended articles of incorporation serving as the proposed plan of merger.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [1999] **2000**."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 22*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

**"144.518. In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, and sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, machines or parts for machines used in a commercial, coin-operated amusement and vending business where sales tax is paid on the gross receipts derived from the use of commercial, coin-operated amusement and vending machines.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 25*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Section

143.113, Line 26, by inserting immediately after said line the following:

"143.141. If federal taxable income of a resident individual is determined by itemizing deductions from his federal adjusted gross income, he may elect to deduct his Missouri itemized deduction in lieu of his Missouri standard deduction. The Missouri itemized deduction of a resident individual means the allowable federal itemized deductions which consist of allowable federal deductions other than those allowable in arriving at federal adjusted gross income and other than the federal deductions for personal and dependency exemptions, with the following modifications:

(1) Reduced by the proportional amount thereof representing the tax imposed by sections 143.011 to 143.998, **except for any amount attributable to the taxation of refunds received pursuant to article X, Section 18 of the Missouri Constitution**;

(2) Reduced by the proportional amount thereof representing any income taxes imposed by another state of the United States or a political subdivision thereof or the District of Columbia;

(3) Increased by the fair market value of a literary, musical, scholarly, or artistic composition contributed to any tax exempt agency or institution which is operated on a not for profit basis by any taxpayer whose personal efforts created such composition less the amount deducted from federal adjusted gross income attributable to such contribution. The fair market value of such literary, musical, scholarly or artistic composition shall be determined by written appraisal of the property by a person qualified to make such an appraisal other than the taxpayer, the donee, or any "related taxpayer" within the meaning of such term as defined by sections 267(b) and 1313(c) of the Internal Revenue Code, as amended. The appraisal shall be made within one year of the date of the donation and attached to the taxpayer's income tax return;

(4) Increased to the extent not otherwise deductible, by the taxes for the same taxable year for which the return is being filed that are imposed by the following provisions of the Internal Revenue Code:

(a) Section 3101, relating to the tax on employees under the Federal Insurance Contributions Act;

(b) Sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives under the Railroad Retirement Tax Act;

(c) Section 1401, relating to tax on self-employment income, to the extent that such taxes were not deducted in the computation of the taxpayer's federal adjusted gross income under the Internal Revenue Code of 1986, as amended."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 26*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

**5. For every calendar year beginning on or after January 1, 2000, the director of the department of revenue shall adjust the dollars amounts allowed pursuant to subsection 2 of this section to reflect the change in the consumer price index for all urban consumers of the United States, as reported by the United States Department of Labor, for the immediately preceding calendar year. The adjusted dollar amounts shall be allowed as a maximum deduction by**



an individual for his federal income tax liability for the taxable year in which the adjustment is made by the director of the department of revenue. The director of the department of revenue may promulgate such rules or regulation as are necessary to implement the provisions of this section. No rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 27*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9 of said page, by inserting immediately after said line the following:

**"Section 1. 1. Notwithstanding any other provision of law to the contrary, any person not required to file a federal income tax return pursuant to section 6012 of the Internal Revenue Code, as amended, shall not be required to file a Missouri income tax return pursuant to chapter 143, RSMo, and no tax shall be imposed pursuant to chapter 143, RSMo, on the Missouri taxable income of such person.**

**2. Nothing in this section shall be construed to prevent a person who wishes to file a Missouri income tax return pursuant to chapter 143, RSMo, from filing such return.**

**3. This section shall apply to a taxable years beginning after December 31, 1999."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 28*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Line 4, by inserting after all of said line the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, **a maximum of** the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, **a maximum of** the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and **a maximum of** the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and **a maximum of** the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and **a maximum of** the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and **a maximum of** the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. **A taxpayer shall be entitled to the maximum exemption provided by this subsection:**

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. [To determine the maximum Missouri adjusted gross income limits referenced in] **If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.**

**5. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted[.]; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.**

[5.] **6.** The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

[6.] **7.** The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

[7.] **8.** The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 30*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 143.111, Line 6, by inserting immediately before said line the following:

**"135.760. 1. For all taxable years beginning on or after January 1, 1999, a resident taxpayer shall be allowed a tax credit against the tax otherwise due under chapter 143, RSMo, in an amount equal to ten percent of the amount which the taxpayer has claimed as an earned income credit pursuant to section 32 of the Internal Revenue Code for that taxable year. Any amount of the credit taken which exceeds the tax due shall be refunded to the taxpayer.**

**2. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 32*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by adding the following:

"Section 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer shall be allowed a credit against his or her state tax liability in an amount not to exceed one hundred fifty dollars for taxes paid on residential property owned and occupied by that taxpayer during the calendar year for which the income tax return is being filed. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Any credit claimed pursuant to this section shall be in lieu of, and not in addition to, any credit which the taxpayer may otherwise be eligible to claim, for the same taxable year, pursuant to section 135.020, RSMo.".

*Senate Substitute Amendment No. 1*



for

*Senate Amendment No. 33*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 3, Section 143.161, Line 20, by inserting after the period "." on said line the following:

**"For all taxable years beginning after December 31, 1998, a resident may deduct two thousand five hundred dollars for each dependant for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes."**

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HS HB 450, as amended**, and has taken up and passed **CCS SS SCS HS HB 450**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 196, as amended**, and has taken up and passed **CCS HCS SB 196**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 903**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 926**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SB 335, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

#### HOUSE BILL WITH SENATE AMENDMENTS

**SS SCS HS HB 516, as amended**, relating to increasing personal income tax exemption, was taken up by Representative Bray.

Representative Bray moved that the House refuse to adopt **SS SCS HS HB 516, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### THIRD READING OF SENATE BILL

**HCS SS SB 373**, relating to horse racing and pari-mutuel wagering, was taken up by Representative Crump.

Representative Crump offered **HS HCS SS SB 373**.

Representative Kissell offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 26, Section

313.585, Line 1, by inserting after the word "**grounds**" the following:

**"with a minimum investment of ten million dollars".**

Representative Richardson offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 26, Section 313.585, Line 1, by inserting after the word "**grounds**" the following:

**"with a minimum investment of ten million dollars including a quality race track built to standards approved by the commission"; and**

Further amend said bill, said page and section, line 2, by striking all of said line; and

Further amend said page and section, line 4, by striking the period "." and inserting in lieu thereof a semi-colon "; **and**"; and

Further amend said page and section, line 4, by inserting after all of said line the following:

**"(4) The licensee commits to making future investments in its race meeting grounds in an amount of five million dollars by the end of the fifth year of racing and making similar investments of five million dollars by the end of each five-year period until a total combined investment of thirty million dollars in the race meeting grounds has been made by the licensee. The licensee shall hold in a separate account to be known as the Licensees' Capital Development Fund, which is hereby mandated, such sums that equal all revenues derived from race meetings in excess of a ten percent return after expenses and taxes on capital investments. This fund may be used together with additional contributions of the licensee to fund the additional investments required herein".**

Representative Froelker requested a division of the question.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

PART I

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 26, Section 313.585, Line 1, by inserting after the word "**grounds**" the following:

**"with a minimum investment of ten million dollars including a quality race track built to standards approved by the commission."**

On motion of Representative Richardson, **Part I of House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 082

Abel Auer Backer Barry 100 Bennett

Berkowitz Bonner Boykins Britt Carter

Clayton Crump Daniel Davis 122 Davis 63

Days Dolan Farnen Fitzwater Foley

Ford Foster Franklin Gambaro George  
Gibbons Graham 106 Graham 24 Gratz Green  
Gunn Hagan-Harrell Hanaway Hickey Hilgemann  
Hohulin Hollingsworth Hosmer Kasten Kennedy  
Kissell Koller Kreider Lakin Leake  
Legan Luetkenhaus May 108 Mays 50 McKenna  
Merideth Monaco Murray Myers Naeger  
Nordwald O'Connor O'Toole Overschmidt Parker  
Patek Pryor Ransdall Relford Richardson  
Riley Rizzo Scheve Selby Shelton  
Smith Thompson 37 Thompson 72 Troupe Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 073

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkstresser Black Blunt Boatright  
Boucher Bray 84 Burton Campbell Champion  
Chrismer Cierpiot Crawford Elliott Enz  
Evans Fraser Froelker Gaskill Griesheimer  
Gross Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Holand Howerton Kelley 47  
Kelly 27 King Klindt Lawson Levin  
Linton Lograsso Long Loudon Luetkemeyer  
Marble McBride McClelland Miller Murphy  
Ostmann Purgason Reid Reinhart Reynolds  
Robirds Ross Sallee Schilling Schwab  
Scott Secrest Seigfreid Shields Skaggs  
Stokan Summers Surface Townley Treadway  
Tudor Van Zandt Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Dougherty Hoppe Liese McLuckie Pouche  
Ridgeway

VACANCIES: 002

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

PART II

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 26, Section 313.585, Line 2, by striking all of said line; and

Further amend said page and section, line 4, by striking the period "." and inserting in lieu thereof a semi-colon "; **and**"; and

Further amend said page and section, line 4, by inserting after all of said line the following:

**"(4) The licensee commits to making future investments in its race meeting grounds in an amount of five million dollars by the end of the fifth year of racing and making similar investments of five million dollars by the end of each five-year period until a total combined investment of thirty million dollars in the race meeting grounds has been made by the licensee. The licensee shall hold in a separate account to be known as the Licensees' Capital Development Fund, which is hereby mandated, such sums that equal all revenues derived from race meetings in excess of a ten percent return after expenses and taxes on capital investments. This fund may be used together with additional contributions of the licensee to fund the additional investments required herein".**

On motion of Representative Richardson, **Part II of House Substitute Amendment No. 1 for House Amendment No.1** was adopted by the following vote:

AYES: 091

Abel Auer Backer Ballard Bennett

Berkowitz Black Bonner Boykins Britt

Carter Clayton Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Evans

Farnen Foley Ford Foster Franklin

Fraser Froelker Gambaro George Graham 106

Graham 24 Gratz Green Griesheimer Gunn

Hagan-Harrell Hanaway Harlan Hartzler 123 Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Kasten Kennedy Kissell Koller Kreider

Lakin Leake Legan Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McKenna

McLuckie Merideth Monaco Murray Myers

Naeger Nordwald O'Connor O'Toole Overschmidt

Pryor Ransdall Richardson Riley Rizzo

Robirds Scheve Selby Shelton Smith

Thompson 37 Thompson 72 Troupe Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 062

Akin Alter Barnett Bartelsmeyer Bartle



Berkstresser Blunt Boatright Boucher Bray 84  
Burton Campbell Champion Chrismer Cierpiot  
Crawford Elliott Enz Gaskill Gross  
Hampton Hartzler 124 Hegeman Hendrickson Howerton  
Kelley 47 Kelly 27 King Klindt Lawson  
Levin Linton Lograsso Long McBride  
McClelland Miller Murphy Ostmann Parker  
Patek Pouche Purgason Reid Reinhart  
Relford Reynolds Ross Sallee Schilling  
Schwab Secrest Seigfreid Shields Skaggs  
Stokan Summers Surface Townley Tudor  
Van Zandt Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Barry 100 Fitzwater Gibbons Hosmer Liese  
Ridgeway Scott Treadway

VACANCIES: 002

Representative Foley offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 26, Section 313.585, Line 6, by adding immediately after the word "days" the following: ", **unless a higher number is set by the racing commission,**".

Representative Naeger offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

**House Substitute Amendment No. 1 for House Amendment No. 2** was withdrawn.

Representative Naeger offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 26, Section 313.585, Line 6, by striking the word "**twenty-one**" and inserting in lieu thereof the word "**thirty**"; and

Further amend said bill by adding "unless a higher number is set by the racing commission."

On motion of Representative Naeger, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted by the following vote:

AYES: 079

Abel Auer Backer Barry 100 Bennett  
Berkowitz Bonner Boykins Britt Carter  
Clayton Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Gambaro Graham 24 Gratz Griesheimer Gunn  
Hanaway Harlan Hickey Hilgemann Hohulin  
Hollingsworth Hoppe Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Luetkenhaus  
May 108 Mays 50 McKenna McLuckie Merideth  
Monaco Murphy Murray Naeger Nordwald  
O'Connor Overschmidt Ransdall Richardson Riley  
Rizzo Scheve Schilling Schwab Selby  
Shelton Smith Thompson 37 Thompson 72 Treadway  
Troupe Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 069

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Berkstresser Black Blunt Boatright  
Boucher Bray 84 Burton Campbell Champion  
Chrismer Cierpiot Crawford Elliott Enz  
Evans Froelker Gaskill Gibbons Graham 106  
Gross Hagan-Harrell Hampton Hartzler 123 Hartzler 124  
Hegeman Hendrickson Holand Howerton Kasten  
Kelley 47 Kelly 27 King Klindt Legan  
Levin Linton Loudon Luetkemeyer McBride  
McClelland Miller Myers Ostmann Patek  
Pryor Purgason Reinhart Relford Reynolds  
Robirds Ross Sallee Secrest Seigfreid  
Shields Skaggs Stokan Summers Surface  
Townley Tudor Van Zandt Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

George Green Hosmer Liese Lograsso  
Long Marble O'Toole Parker Pouche  
Reid Ridgeway Scott

VACANCIES: 002

Representative Kreider offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 9, Section 313.530, Line 14, by inserting after the word "law" the following:

", except that any law to the contrary notwithstanding fifty percent of the proceeds deposited in the horse racing for education fund shall annually be transferred to the school building revolving fund created pursuant to section 166.300, RSMo."

Representative Boatright offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

**House Substitute Amendment No. 1 for House Amendment No. 3** was withdrawn.

Representative Shields offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 9, Section 313.530, Line 8, by adding after the period the following:

"and shall be distributed yearly to the public school district of this state on a "per pupil" basis."

Representative Shields moved that **House Substitute Amendment No. 1 for House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Shields offered **House Substitute Amendment No. 2 for House Amendment No. 3.**

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 9, Section 313.530, Line 14, by inserting after the word "law" the following:

", except that any law to the contrary notwithstanding fifty percent of the proceeds deposited in the horse racing for education fund shall annually be transferred to the school building revolving fund created pursuant to section 166.300, RSMo. The remaining fifty percent shall be distributed to the school districts of this state yearly on a "per pupil" basis."

On motion of Representative Shields, **House Substitute Amendment No. 2 for House Amendment No. 3** was adopted.

**HCS SS SB 373, with HS, as amended, pending,** was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 61, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HCS HB 701**, entitled:

An act to repeal sections 135.400, 135.411, 620.163, 620.495 and 620.602, RSMo 1994, and sections 135.100, 135.205, 135.207, 135.225, 135.230, 135.750, 620.1023 and 620.1039, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof twenty-one new sections relating to the same subject.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 11, Senate Amendment No. 12 and Senate Amendment No. 13.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Pages 39-44, Section 620.495, by striking all of said section from the bill; and

Further amend said bill, Pages 48-51, Section 620.1039, by striking all of said section from the bill; and

Further amend said bill, Page 51, Section 1, by striking all of said section; and

Further amend said bill, Pages 51-54, Section 2, by striking all of said section; and

Further amend said bill, Pages 54-55, Section 3, by striking all of said section; and

Further amend said bill, Pages 55-57, Section 4, by striking all of said section; and

Further amend said bill, Pages 57-59, Section 5, by striking all of said section; and

Further amend said bill, Pages 59-60, Section 6, by striking all of said section; and

Further amend said bill, Page 60, Section 7, Lines 9-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"Section 1. Tax";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 51, Section 620.1039, Line 14 of said page, by inserting after all of said line the following:

**"621.052. 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, order, decision, made by an agency regarding the eligibility of a state-administered or subsidized tax credit, tax abatement or loan pursuant to subsection 1 of section 1 of this act. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director of the appropriate agency is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:**

**If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.**

**2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the administrative hearing commission under this section shall be binding subject to appeal by either party.";** and

Further amend said bill, page 61, Section 7, Line 10 of said page, by inserting after all of said line the following:

**"Section 8. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency**



administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of Chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole county circuit court."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 10, Section 135.100, Line 16 of said page, by striking "Scheduled air transportation" and inserting in lieu thereof the following: "**Airports, flying fields, and airport terminal services**"; and

Further amend said bill, page 12, Section 135.115, line 20, by inserting after all of said line the following:

"135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;
- (4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;
- (5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;
- (6) "Revenue producing enterprise", means:
  - (a) Manufacturing activities classified as SICs 20 through 39;
  - (b) Agricultural activities classified as SIC 025;
  - (c) Rail transportation terminal activities classified as SIC 4013;
  - (d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);
  - (e) Motor freight transportation terminal activities classified as SIC 4231;
  - (f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self- storage;
  - (g) Water transportation terminal activities classified as SIC 4491;
  - (h) **Airports, flying fields, and airport terminal services classified as SIC 4581;**
  - (i) Wholesale trade activities classified as SICs 50 and 51;
  - [(i)] **(j)** Insurance carriers activities classified as SICs 631, 632 and 633;
  - [(j)] **(k)** Research and development activities classified as SIC 873, except 8733;
  - [(k)] **(l)** Farm implement dealer activities classified as SIC 5999;

[(l)] **(m)** Employment agency activities classified as SIC 7361;

[(m)] **(n)** Computer programming, data processing and other computer related activities classified as SIC 737;

[(n)] **(o)** Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;

[(o)] **(p)** Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;

[(p)] **(q)** Recycling activities classified as SIC 5093;

[(q)] **(r)** Banking activities classified as SICs 602 and 603;

[(r)] **(s)** Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

[(s)] **(t)** Mining activities classified as SICs 10 through 14;

[(t)] **(u)** The administrative management of any of the foregoing activities; or

[(u)] **(v)** Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget."; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 36, Section 320.093, Lines 5-6 of said page, by striking the following: "promulgated pursuant to chapter 536, RSMo,"; and

Further amend said bill and section, page 37, line 12 of said page, by inserting after all of said line the following:

**"7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.";** and

Further amend said bill, page 57, Section 4, lines 17 to 20 of said page, by striking all of said lines and inserting in lieu thereof the following: **"act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 1 to 6 of this act shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**

#### *Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1 of said page, by inserting after all of said line the following:

**"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.**

**2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.**

**3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located**



south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

**7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone in a city of the fourth classification with a population of at least three thousand but less than four thousand inhabitants located in a county of the second classification with a population of at least twenty thousand but not more than twenty-five thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1 of said page, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and

135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

**7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone for an area that includes property in two adjoining counties where one county is a county of the third classification without a township form of government with a population of less than sixteen thousand three hundred and more than sixteen thousand inhabitants and the other county is a county of the first classification having a population of at least one hundred seventy-one thousand but less than one hundred seventy-two thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 12, Section 135.115, Line 18, by deleting date "1996" and inserting "1990".

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

**7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than four thousand located in a county of the third classification with a township form of government and with a population of less than thirteen thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 35, Section 135.750, Line 2 by inserting after all of said line the following:

"143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a credit against the tax otherwise due under sections 143.005 to 143.998 for the amount of any income tax imposed on him for the taxable year by another state of the United States (or a political subdivision thereof) or the District of Columbia on income derived from sources therein and which is also subject to tax under sections 143.005 to 143.998. **Solely for purposes of this subsection, the phrase "income tax imposed" shall include any income tax credit allowed by such other state or the District of Columbia the basis for which is a charitable contribution which qualifies as a charitable deduction from income pursuant to the Internal Revenue Code of 1986, as amended if the other state or the District of Columbia authorizes a reciprocal**



**benefit for residents of this state.**

2. The credit provided under this section shall not exceed an amount which bears the same ratio to the tax otherwise due under sections 143.005 to 143.998 as the amount of the taxpayer's Missouri adjusted gross income derived from sources in the other taxing jurisdiction bears to his Missouri adjusted gross income derived from all sources. In applying the limitation of the previous sentence to an estate or trust, Missouri taxable income shall be substituted for Missouri adjusted gross income. If the tax of more than one other taxing jurisdiction is imposed on the same item of income, the credit shall not exceed the limitation that would result if the taxes of all the other jurisdictions applicable to the item were deemed to be of a single jurisdiction.

3. For the purposes of this section, in the case of an S corporation, each resident S shareholder shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of shareholders on an S corporation by reference to the income of the S corporation or where a composite return and composite payments are made in such state on behalf of the S shareholders by the S corporation."; and

Further amend said bill, Page 61, Section 7, Line 10, by inserting after all of said line the following:

"Section B. The repeal and reenactment of section 143.081 shall be effective January 1, 2000, and shall apply to all taxable years commencing after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 33, Section 135.411, Line 2 of said page, by inserting after all of said line the following:

"135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means [or] of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.

4. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

5. The tax credits allowed pursuant to subsections 1, 2 and 3 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 3 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 4 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

6. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 or 3 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

7. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

**8. An existing business located within a distressed community, that hires new employees within such distressed communities may be eligible for the tax credits provided in this section. In order to be eligible for such tax credits, the business located within the distressed community, during one of its tax years, must employ within such distressed communities at least twice as many workers as were employed at the beginning of that tax year. Prior to the addition of the new employees, the business shall have no more than one hundred employees. The provisions of this section shall apply only to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, or telecommunications business or a professional firm.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 12*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 61, Section 7, Line 10, by inserting immediately after said line the following:

**"Section 8. Notwithstanding any other provisions of law to the contrary, heating companies located within an enterprise zone that serve one or more commercial, nonresidential customers that are eligible to receive tax credits issued under a program administered by the department of economic development, may adjust rates for their hot or cold, steam or currents of hot or cold air that are lower than current rates established for such services without any requirement for approval or other action by the public service commission.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 13*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 51, Section 620.1023, Line 14, by inserting after all of said line the following:

**"620.1300. [1. Beginning in 1997, and at least every four years thereafter, or earlier if requested by at least two members of the selection panel, an independent] A cost benefit analysis shall be prepared to evaluate the effectiveness of all programs operated by the department of economic development for which the department approves tax credits, loans, loan guarantees, or grants. Each analysis shall be conducted by [a nationally recognized accounting firm or other firm possessing expertise in the field of cost benefit analysis and the use of econometric models. The criteria for the selection of such firm shall be established by a panel composed of the governor, the treasurer and the auditor, or their designees. The office of administration shall issue and administer the contracts.] the state auditor, and shall include, but not be limited to, the costs for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program. The result of each analysis shall be published and distributed, by January 1, 2001, and every two years thereafter, to the governor, the speaker of the house of representatives, [and] the president pro tem of the senate, the chairman of the house budget committee, the chairman of the senate appropriations committee and the joint committee on economic development policy and planning.**

[2. Each analysis shall include, but not be limited to, the cost to the state and political subdivisions for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program.]; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

#### **BILLS CARRYING REQUEST MESSAGES**

**HS HCS SS SCS SB 335, as amended**, relating to sentencing provisions, was taken up by Representative Parker.

Representative Parker moved that the House refuse to recede from its position on **HS HCS SS SCS SB 335, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HS HCS SCS SB 61, as amended**, relating to road signs, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on **HS HCS SCS SB 61, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **HOUSE BILL WITH SENATE AMENDMENTS**

**SS SCS HS HCS HB 701, as amended**, relating to tax credits, was taken up by Representative Rizzo.

Representative Rizzo moved that the House refuse to adopt **SS SCS HS HCS HB 701, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### **THIRD READING OF SENATE BILL**

**HCS SS SCS SBs 160 & 82**, relating to water service, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SS SCS SBs 160 & 82**.

Representative Gibbons raised a point of order that the **House Substitute** is not germane to the bill.

The Chair ruled the point of order not well taken.

Speaker Pro Tem Kreider resumed the Chair.

Representative Lograsso offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 and 82, Page 130, Section 91.055, Line 18, by inserting after the following: "**91.055**" the following: "**1.**"; and

Further amend said bill, Page 131, Section 91.055, Line 2, by inserting after all of said line the following:



"2. In any county of the first classification with a charter form of government and having a population of more than six hundred thousand but less than nine hundred thousand inhabitants, when a public water supply district cannot fully supply the water needs of a customer, including fire fighting needs, a municipality adjacent to or overlapping such district shall have the right to supply all of the water requirements of such customer."

On motion of Representative Lograsso, **House Amendment No. 1** was adopted.

Representative Campbell offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 19, Line 19, by inserting after all of said line the following:

**Section 20. 1.** Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

**2.** For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

**3.** The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Campbell, **House Amendment No. 2** was adopted.

Representative Gratz offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 19, Line 19, by inserting after all of said line the following:

**"Section 21. 1.** The governor is hereby authorized and empowered to transfer, grant and convey approximately one hundred five acres in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to the Missouri department of natural resources. The property to be conveyed to the Missouri department of natural resources by the governor, state of Missouri, is more particularly described as follows:

A 105-acres, more or less, of land located in that part of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, generally described as follows: lying south of and southwest of the Missouri Pacific Railroad, West of Workman's Creek, North of Missouri State Highway 179, and East and South of tract of land currently owned by Donald and Patsy Russell.

**2.** The Missouri Department of Natural Resources shall survey and legally describe the above tract of land, and the legal description of said survey shall be used in the instrument of conveyance from the Governor, State of Missouri, to the Department of Natural Resources.



3. The attorney general shall approve the form of the instrument of conveyance.

**Section 22.** 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey the remaining interest, after the transfer referred to in section 1 of this act, in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section.

2. The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.

3. The attorney general shall approve the form of the instrument of conveyance.

**Section 23.** 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the city of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the city of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:

Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows:

**BEGINNING** at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the **POINT OF BEGINNING**.

Containing in all, .043 acres.

2. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Gratz, **House Amendment No. 3** was adopted.

Representative Luetkenhaus offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 32, Section 278.300, Line 18 of said page, by inserting after all of said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390, certain motor vehicles shall be tested to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality.

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law;

**(8) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved.**

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the



superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill, Page 60, Section 640.620, Line 16 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335[;]. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the six months immediately preceding the date of sale, and, for the purpose of registration of such vehicle, the date of inspection shall be defined to be the date of sale.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall

either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade] or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days [if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Relford raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Luetkenhaus moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Secrest offered **House Amendment No. 5**.

Representative Lograsso raised a point of order that **House Amendment No. 5** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Secrest offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section B, Line 20, by deleting all of lines 20 through 24, and on page 95, all of lines 1 and 2, and inserting in lieu thereof the following:

**Section B. Section 66.405 to read as follows;** and

Further amend page 97, section 72.400, line 15, by deleting all succeeding lines on pages 97 through 130, line 17.; and

Further amend by deleting section 20, page 131.

Representative Secrest moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Black Blunt Boatright



Champion Cierpiot Crawford Elliott Enz  
Evans Foster Froelker Gaskill Gibbons  
Graham 106 Griesheimer Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Holand Howerton Kasten  
Kelley 47 King Klindt Legan Levin  
Linton Loudon Luetkemeyer Marble McClelland  
Miller Murphy Myers Naeger Nordwald  
Ostmann Patek Pouche Pryor Purgason  
Reinhart Richardson Robirds Ross Sallee  
Schwab Secrest Shields Summers Townley  
Tudor Vogel Wright

NOES: 082

Abel Auer Backer Barry 100 Bennett  
Berkowitz Bonner Boucher Boykins Bray 84  
Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Farnen Fitzwater Foley Ford Franklin  
Fraser Gambaro Graham 24 Gratz Gross  
Gunn Hagan-Harrell Hampton Hickey Hilgemann  
Hohulin Hollingsworth Hoppe Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Leake May 108 Mays 50 McBride McKenna  
McLuckie Merideth Monaco Murray O'Connor  
O'Toole Overschmidt Ransdall Reid Relford  
Reynolds Riley Rizzo Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Stokan Thompson 37 Thompson 72 Treadway Troupe  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 016

Britt Burton Chrismer George Green  
Harlan Hosmer Liese Lograsso Long  
Luetkenhaus Parker Ridgeway Scott Surface  
Mr. Speaker

VACANCIES: 002

**HCS SS SCS SBs 160 & 82, with HS, as amended, pending,** was laid over.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SA 1** to **HB 261** and requests the House take up and pass **HB 261, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SB 294, as amended**, and has taken up and passed **CCS SB 294**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HCS HB 889**, entitled:

An act to repeal sections 163.191 and 167.151, RSMo 1994, sections 160.051, 160.053, 160.054, 160.055, 160.415, 162.857, 162.867, 162.975 and 165.011, RSMo Supp. 1998, and section 163.011, as both versions appear in RSMo Supp. 1998, relating to school districts, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an emergency clause for a certain section and a termination date for a certain section.

With Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 9.

### *Senate Amendment No. 2*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 71, Section B, Line 14, by adding the following:

"No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to 162.670 to 162.999."

### *Senate Amendment No. 3*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 54, Section 165.011, Line 10 of said page, by inserting after all of said line the following:

"167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for three or more children whose parents or guardians do not reside in the district in which the institution is located shall have [no] authority to enroll such children in a program in the district or special district in which the institution is located [unless the institution contracts for such services and pays the actual per pupil cost for such services or unless such children are assigned pursuant to subsection 1 of this section] **and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.**

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district [by the department of mental health, the department of social services or the court]. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included as an "eligible pupil", as defined under section 163.011, RSMo, of the district providing the educational services for the child.

**9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education."; and**

Further amend said bill, Page 56, Section 167.151, Line 13 of said page, by inserting after all of said line the following:

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related



conduct. The conference shall include the appropriate school officials including any teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular program of instruction** if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
  - (a) First degree murder under section 565.020, RSMo;
  - (b) Second degree murder under section 565.021, RSMo;
  - (c) First degree assault under section 565.050, RSMo;
  - (d) Forcible rape under section 566.030, RSMo;
  - (e) Forcible sodomy under section 566.060, RSMo;
  - (f) Robbery in the first degree under section 569.020, RSMo;
  - (g) Distribution of drugs to a minor under section 195.212, RSMo;
  - (h) Arson in the first degree under section 569.040, RSMo;
  - (i) Kidnapping, when classified as a class A felony under section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 4*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 37, Section 163.011, Line 5, by inserting immediately after said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year [or], the number of eligible pupils for the immediately preceding year **or the number of eligible pupils for the second preceding school year**, whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for



correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*

to

*Senate Amendment No. 5*

AMEND Senate Amendment No. 5 to Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, by deleting all of Section 172.036, Page 3 of the amendment thru Page 4. Further amend Senate Amendment No. 5, Page 6, by deleting Section 174.056, thru Page 7, and 2 lines on page 8 of said amendment.

*Senate Amendment No. 5*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, Section title, Line 6 of said page, by striking "school districts" and inserting in lieu thereof the following: "education"; and

Further amend said bill, page 56, Section 167.151, Line 13 of said page, by inserting after all of said line the following:

"172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **the student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless [his] **such** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative while attending meetings of the board shall receive his actual expenses which shall be paid out of the ordinary revenues of the university.]

**6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.**

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

**8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.**

**172.036. 1. The governor shall, by and with the advice and consent of the senate, appoint a faculty representative to**

the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such faculty representative shall have the same powers as other members of the board of curators except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the faculty government presidents of the campuses of the university, be a full-time faculty member at the university, be a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at such member's campus of the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made pursuant to this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a faculty member from the Columbia campus, next from the Kansas City campus, next from the Rolla campus, and then from the St. Louis campus.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend said bill, page 59, Section 173.775, line 6 of said page, by inserting after all of said line the following:

"174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents **or governors** of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.056. 1. There shall be a faculty representative to the board of regents or governors of each educational institution referred to in section 174.020, appointed by the governor with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of each institution's faculty government association, be a full-time faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.057. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Pages 37-41, Section 163.191, by striking the section from the bill in its entirety; and

Further amend said bill by amending the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 60, Section 2, Line 11 of said page, by inserting at the end of said line the following: "**Grants may also be used for explicit phonics instruction, in any district, consistent with the requirements for the pilot program established pursuant to section 6 of this act.**"; and

Further amend said bill, page 71, Section 7, Line 7 of said page, by inserting after all of said line the following:

**"Section 8. Notwithstanding any provision of law to the contrary, beginning with the 1999-2000 school year, there is hereby established within each subdistrict of each metropolitan school district, a pilot project of explicit phonics instruction for students up to and including third grade. This project shall employ the methodology of teaching public school students to pronounce and read words by learning the phonetic sound associations of individual letters, letter groups and syllables and the principles governing these associations. Reading instruction using implied recognition of words or partial words through the use of pictures or other references other than explicit pronunciation of phonetic letter combinations shall not be admitted as a substitute or in combination with explicit phonics instruction.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, Section A, Line 8, by adding the following:

"Section 1.028. The general assembly recognizes that English is the [most] common language used in Missouri and recognizes that fluency in English is necessary for full integration into our common American culture[.] **for reading readiness**"; and



Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, In the Title, Lines 8-9 of said page, by striking "a certain section" and inserting in lieu thereof the following: "certain sections"; and

Further amend said bill, Page 10, Section 160.415, Line 10 of said page, by inserting after all of said line the following:

"162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, **and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.**

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment [until the next election for members of the board, when the vacancy shall be filled] for the remainder of the term."; and

Further amend said bill, Page 71, Section B, line 9 of said page, by striking "section" and inserting in lieu thereof the following: "sections 162.601, 162.611 and"; and further amend line 10 of said page, by striking "is" and inserting in lieu thereof "are" and further amend line 13 of said page, by striking "section" and inserting in lieu thereof the following: "sections 162.601, 162.611 and"; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS#2 SB 163** and has taken up and passed **HCS SS#2 SB 163**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SBs 308 & 314, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon and further that the conferees be allowed to exceed the differences for the police officers, fire fighters and state teachers pensions.



**HS HCS SCS SBs 308 & 314, as amended**, relating to retirement systems, was taken up by Representative Skaggs.

Representative Skaggs moved that the House refuse to recede from its position on **HS HCS SCS SBs 308 & 314, as amended**, and grant the Senate a conference and the conferees be allowed to exceed the differences for the police officers, fire fighters and school teachers pensions.

Which motion was adopted.

#### COMMITTEE REPORTS

**Committee on Accounts, Operations and Finance**, Chairman Skaggs reporting:

Mr. Speaker: Your Committee on Accounts, Operations and Finance, to which was referred **SCR 20**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SCR 8**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report #2 on **HS HCS SCS SBs 8 & 173, as amended**, and has taken up and passed **CCS#2 HS HCS SCS SBs 8 & 173**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representative that the Senate requests the House grant the Senate further conference on **HS HCS SB 20, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 139, as amended**, and has taken up and passed **CCS SCS HCS HB 139**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HS HB 516, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators: Quick, Mathewson, Jacob, Ehlmann and Mueller.

Mr. Speaker: I am instructed by the Senate to inform the House of Representative that the Senate refuses to recede from its position on **SS SCS HS HCS HB 701, as amended**, and grants the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SS SCS HCS HB 490 & HCS HB 308**: Representatives Hollingsworth, Dougherty, Britt, Ross and McClelland

**SS SCS HS HB 516**: Representatives Gaw, Bray, Van Zandt, Gibbons and Hegeman

#### CONFERENCE COMMITTEE REPORT

ON

**CONFERENCE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 20**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Bill No. 20, with House Amendments Nos. 1, 2, 3, 4, 5 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 20, as amended;
2. That the Senate recede from its position on Senate Bill No. 20; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 20, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Mike Schilling /s/ Wayne Goode

/s/ Craig Hosmer /s/ Joe Maxwell

/s/ Vicky Riback Wilson /s/ John Schneider

/s/ Peter Myers /s/ Roseann Bentley

/s/ Cindy Ostmann /s/ Franc Flotron

**CONFERENCE COMMITTEE REPORT NO. 2**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILLS NOS. 8 & 173**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, with House Amendments Nos. 1, 2 and 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, with House Amendments Nos. 1, 2 and 3;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 8 & 173; and

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Lana Ladd Stokan /s/ J. B. "Jet" Banks

/s/ Joe Treadway /s/ Harry Wiggins

/s/ Gracia Backer /s/ Ken Jacob

/s/ Carson Ross /s/ Betty Sims

/s/ Charles Pryor /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT  
ON**

**SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 490  
AND  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 308**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Kate Hollingsworth /s/ Betty Sims

/s/ Pat Dougherty /s/ J. T. Howard

/s/ Phillip Britt /s/ Mary Bland

/s/ Carson Ross /s/ Sidney Johnson

/s/ Emmy McClelland /s/ Roseann Bentley

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE**

**FOR**  
**HOUSE BILL NO. 368**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 368, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 368, as amended;
2. That the House recede from its position on House Bill No. 368;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Dana Murray /s/ Wayne Goode

/s/ Tim Green /s/ John Schneider

/s/ Richard Franklin /s/ Joe Maxwell

/s/ Ed Hartzler /s/ John Russell

/s/ Judy Berkstresser /s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT**  
**ON**  
**CONFERENCE COMMITTEE SUBSTITUTE**

**FOR**  
**SENATE BILL NO. 294**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Bill No. 294, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 294, as amended;
2. That the Senate recede from its position on Senate Bill No. 294;
3. That the attached Conference Committee Substitute for Senate Bill No. 294 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Don Koller /s/ Danny Staples

/s/ Sam Leake /s/ Edward Quick

/s/ Kelly Parker /s/ Ronnie DePasco

/s/ Jewell Patek /s/ Sarah Steelman

/s/ Don Lograsso /s/ Sam Graves

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 9:30 a.m., Thursday, May 13, 1999.



## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-eighth Day, Tuesday, May 11, 1999, pages 1960 and 1961, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Pages 1961 and 1962, roll call, by showing Representatives Franklin, Kelly (27) and Miller voting "aye" rather than "absent with leave".

Pages 1961 and 1962, roll call, by showing Representative Scott voting "no" rather than "absent with leave".

Pages 1962 and 1963, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Page 1964, roll call, by showing Representatives Lakin and Luetkenhaus voting "aye" rather than "absent with leave".

Page 1965, roll call, by showing Representatives Franklin and Lakin voting "aye" rather than "absent with leave".

Pages 1965 and 1966, roll call, by showing Representatives Franklin and Lakin voting "aye" rather than "absent with leave".

Pages 1966 and 1967, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Page 1968, roll call, by showing Representatives Franklin and Parker voting "aye" rather than "absent with leave".

Page 1969, roll call, by showing Representatives Kelly (27), Parker and Reynolds voting "aye" rather than "absent with leave".

Pages 1970 and 1971, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 1971 and 1972, roll call, by showing Representatives Crawford, Franklin, Kelly (27) and Robirds voting "aye" rather than "absent with leave".

Pages 1974 and 1975, roll call, by showing Representatives Akin, King and Pouche voting "aye" rather than "absent with leave".

Pages 1978 and 1979, roll call, by showing Representatives Franklin, Kelley (47) and Mays (50) voting "aye" rather than "absent with leave".

Pages 1980 and 1981, roll call, by showing Representative Dolan voting "no" rather than "absent with leave".

Page 1981, roll call, by showing Representative Levin voting "no" rather than "absent with leave".

Page 1982, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".

Pages 1983 and 1984, roll call, by showing Representatives Franklin, George, Hosmer, Levin and Patek voting "aye" rather than "absent with leave".

Pages 1984 and 1985, roll call, by showing Representatives Hoppe, Kelly (27), Lawson and Patek voting "no" rather than "absent with leave".

Pages 1985 and 1986, roll call, by showing Representatives George, Kelly (27), Lawson and Patek voting "aye" rather than "absent with leave".

Pages 1986 and 1987, roll call, by showing Representatives Barnett, Kelly (27), Lawson, Nordwald and Patek voting "aye" rather than "absent with leave".

Pages 1995 and 1996, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 1995 and 1996, roll call, by showing Representatives George, Long and Luetkenhaus voting "no" rather than "absent with leave".

Page 1996, roll call, by showing Representatives Blunt, George, Kelly (27) and Long voting "aye" rather than "absent with leave".

Pages 1997 and 1998, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "no".

Pages 1997 and 1998, roll call, by showing Representative George voting "aye" rather than "absent with leave".

Pages 1997 and 1998, roll call, by showing Representatives Long and Scott voting "aye" rather than "absent with leave".

## **COMMITTEE MEETING**

### **FISCAL REVIEW**

Thursday, May 13, 1999, 8:00 am. North side of gallery. Executive session.

To be considered - SB 282, SB 322, SB 451

## **HOUSE CALENDAR**

SEVENTIETH DAY, THURSDAY, MAY 13, 1999

## **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

## **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake

8 HB 844 - Gratz

9 HB 519 - Relford

10 HCS HB 535 - May (108)

11 HB 406 - Mays (50)

12 HB 146, HCA 1 - Wiggins

13 HB 787 - Wiggins

14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 643, 710 & 711 - Bray  
2 HB 952, HA 1, HS, pending - Koller

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

**HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

**SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

1 SCR 8 - Boykins  
2 SCR 20 - Skaggs

**SENATE BILLS FOR THIRD READING**

1 HCS SS SCS SB 160 & 82, HS, as amended, pending, E.C. - Hoppe  
2 HCS SS SB 373, HS, as amended, pending - Crump  
3 HCS SB 518 - Rizzo  
4 HCS SS SCS SB 1, 92, 111, 129 & 222 - May (108)  
5 HCS SCS SB 387, 206 & 131 - Gunn  
6 SCS SB 211 - Riback Wilson  
7 SS SCS SB 19, HCA 1, E.C. - Koller  
8 HCS SS SB 289 - Days  
9 HCS SCS SB 394 - Hoppe  
10 SCS SB 325, HCA 1 - Treadway

- 11 HCS SB 371 - Hosmer
- 12 HCS SB 180, E.C. - Hagan-Harrell
- 13 HCS SCS SB 328, 87, 100 & 55 - Hosmer
- 14 HCS SCS SB 322, 150 & 151, E.C. (Fiscal Review 5-10-99) - Dougherty
- 15 SB 71
- 16 HCS SCS SB 282, (Fiscal Review 5-10-99) - Bray
- 17 HCS SB 451, (Fiscal Review 5-12-99) - Hosmer

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

- 1 SB 4 - Thompson (37)
- 2 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)
- 3 HCS SCS SB 346 - Days
- 4 HCS SS SCS SB 14, 60 & 69 - Bray

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS#2 HCS HB 889, as amended, E.C. - Fitzwater
- 2 SCS HCS HCR 24 & 15 - Boykins
- 3 SCS HCS HCR 29 - Kreider
- 4 SCS HCR 30 - Clayton

#### **BILLS CARRYING REQUEST MESSAGES**

- 1 HB 261, SA 1 (Req. House take up and pass bill) - Auer
- 2 SCR 13, as amended, with SPA 1 - Franklin
- 3 HS HCS SB 20, as amended, (req. House grant further conf.) - Schilling

#### **BILLS IN CONFERENCE**

- 1 HS HCS SCS SB 436, as amended - Hoppe
- 2 HS HCS SS SCS SB 338, as amended - Harlan
- 3 HCS SS#2 SB 288, as amended - McLuckie
- 4 CCR#2 HS HCS SCS SB 8 & 173, as amended - Ladd Stokan
- 5 SCS HCS HB 343, as amended, E.C. - Treadway
- 6 SCS HS HCS HB 852 - Hosmer
- 7 CCR HCS SB 196, as amended - Rizzo
- 8 HS SB 326 - Harlan
- 9 CCR SB 294, as amended, E.C. - Koller
- 10 CCR HS HCS SB 20, as amended - Schilling
- 11 CCR SS SCS HCS HB 490 & HCS HB 308, as amended, E.C. - Hollingsworth
- 12 CCR SCS HB 368, as amended - Murray
- 13 HS HCS SS SCS SB 335, as amended - Parker



14 HS HCS SCS SB 61, as amended - Hoppe

15 HS HCS SCS SB 308 & 314, as amended - Skaggs

16 SS SCS HS HB 516, as amended, E.C. - Bray

17 SS SCS HS HCS HB 701, as amended - Rizzo

#### **HOUSE RESOLUTION**

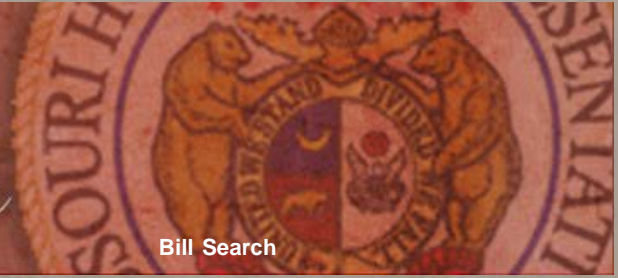
HR 1168, (5-7-99, pg. 1858) - Hagan-Harrell



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

SEVENTIETH DAY, Thursday, May 13, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, we unite our hearts now before You. We are often confused and seem to be at cross-purposes with one another. Take us by the hand, we pray, and help us see things from the best viewpoint for all.

Bless this House, members and staff, as they conclude the business of the people of Missouri. Grant them the ability to work hard and the sacrament of careful reflection on what is best. O Lord, grant that we are adequate.

And to You be glory and honor, forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Colby Gibson, Donna Schaefer, Deanna Brandt and Ryan Bodenhamer.

The Journal of the sixty-ninth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1485 - Representative Campbell

House Resolution No. 1486 - Representative Gibbons

House Resolution No. 1487 and House Resolution 1488 - Representative Berkowitz

House Resolution No. 1489 - Representatives Summers and Wiggins

House Resolution No. 1490 through House Resolution No. 1492 - Representative Ross

House Resolution No. 1493 - Representatives Crawford and Pryor

House Resolution No. 1494 - Representative Griesheimer

House Resolution No. 1495 - Representative Townley

### BILLS IN CONFERENCE

**CCR HCS SB 196, as amended**, relating to Kansas City police retirement, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **CCR HCS SB 196, as amended**, was adopted by the following vote:

AYES: 153

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kennedy King

Kissell Klindt Koller Kreider Lakin

Leake Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor Ostmann

O'Toole Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Roberts Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 001

Riley

ABSENT WITH LEAVE: 006

Campbell Gibbons Hohulin Kelly 27 Lawson  
Lograsso

VACANCIES: 002

On motion of Representative Rizzo, **CCS HCS SB 196** was truly agreed to and finally passed by the following vote:

AYES: 156

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murray Myers Naeger  
Nordwald O'Connor Ostmann O'Toole Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward



Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 001

Murphy

PRESENT: 001

Riley

ABSENT WITH LEAVE: 003

Campbell Gibbons Hohulin

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

**CCR SB 294, as amended**, relating to motor vehicles, was taken up by Representative Koller.

On motion of Representative Koller, **CCR SB 294, as amended**, was adopted by the following vote:

AYES: 091

Abel Akin Backer Barry 100 Bartelsmeyer

Bartle Bennett Berkowitz Berkstresser Black

Bonner Boucher Britt Burton Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Elliott

Farnen Foley Franklin Froelker George

Gratz Green Gross Hagan-Harrell Hampton

Hegeman Hickey Hilgemann Hohulin Howerton

Kelly 27 Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Liese

Lograsso Marble Mays 50 McBride Miller

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Ransdall Reid Reinhart Relford Richardson  
Ridgeway Rizzo Robirds Ross Sallee  
Scheve Schwab Scott Seigfreid Selby  
Shelton Stokan Summers Townley Treadway  
Troupe Ward Wiggins Williams 159 Wright  
Mr. Speaker

NOES: 070

Alter Auer Ballard Barnett Blunt  
Boatright Boykins Bray 84 Campbell Carter  
Daniel Dougherty Enz Evans Fitzwater  
Ford Foster Fraser Gambaro Gaskill  
Gibbons Graham 106 Graham 24 Griesheimer Gunn  
Hanaway Harlan Hartzler 123 Hartzler 124 Hendrickson  
Holand Hollingsworth Hoppe Hosmer Kasten  
Kelley 47 Kennedy King Levin Linton  
Long Loudon Luetkemeyer Luetkenhaus May 108  
McClelland McKenna McLuckie Merideth Monaco  
Murphy Myers Nordwald Purgason Reynolds  
Riley Schilling Secrest Shields Skaggs  
Smith Surface Thompson 37 Thompson 72 Tudor  
Van Zandt Vogel Wagner Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 000

VACANCIES: 002

On motion of Representative Koller, **CCS SB 294** was truly agreed to and finally passed by the following vote:

AYES: 116

Abel Akin Backer Ballard Barry 100  
Bartelsmeyer Bartle Bennett Berkstresser Blunt  
Boatright Bonner Boykins Britt Burton  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Davis 122 Davis 63 Days Dolan  
Elliott Farnen Foley Ford Foster  
Franklin Froelker Gaskill George Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hartzler 123 Hegeman Hendrickson Hickey

Hohulin Hoppe Howerton Kasten Kelly 27  
King Kissell Klindt Koller Kreider  
Lakin Leake Legan Liese Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
Mays 50 McBride McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Ransdall Reid  
Reinhart Relford Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Smith Stokan Summers Thompson 37  
Thompson 72 Townley Treadway Troupe Vogel  
Wagner Ward Wiggins Williams 159 Wright  
Mr. Speaker

NOES: 042

Alter Auer Barnett Black Boucher  
Bray 84 Campbell Carter Daniel Dougherty  
Enz Evans Fitzwater Fraser Gambaro  
Gibbons Graham 106 Graham 24 Hanaway Harlan  
Hartzler 124 Hilgemann Holand Hollingsworth Hosmer  
Kelley 47 Kennedy Levin May 108 McClelland  
McLuckie Nordwald Purgason Reynolds Scheve  
Schilling Skaggs Surface Tudor Van Zandt  
Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 003

Berkowitz Lawson Linton

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 075

Abel Backer Barry 100 Bartelsmeyer Bennett  
Berkowitz Blunt Bonner Boykins Burton  
Clayton Crawford Crump Davis 122 Davis 63

Farnen Fitzwater Foley Ford Franklin  
Gambaro Gratz Green Griesheimer Hagan-Harrell  
Hampton Hartzler 123 Hegeman Hickey Hollingsworth  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Liese Linton Luetkenhaus  
Mays 50 McBride McKenna Murray Naeger  
O'Connor O'Toole Ostmann Overschmidt Parker  
Ransdall Relford Riley Rizzo Robirds  
Ross Scheve Scott Seigfreid Selby  
Shelton Shields Summers Thompson 37 Thompson 72  
Townley Treadway Troupe Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Mr. Speaker

NOES: 079

Akin Alter Auer Ballard Bartle  
Black Boatright Boucher Bray 84 Britt  
Campbell Carter Champion Chrismer Cierpiot  
Daniel Days Dougherty Elliott Enz  
Evans Foster Fraser Gaskill George  
Gibbons Graham 106 Graham 24 Gross Gunn  
Hanaway Harlan Hartzler 124 Hendrickson Hilgemann  
Hohulin Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Legan Levin  
Lograsso Long Loudon Luetkemeyer May 108  
McClelland McLuckie Merideth Miller Monaco  
Murphy Myers Nordwald Patek Pouche  
Pryor Purgason Reid Reinhart Reynolds  
Richardson Ridgeway Sallee Schilling Schwab  
Secrest Skaggs Smith Stokan Surface  
Tudor Williams 121 Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnett Berkstresser Dolan Froelker Holand  
Hoppe Marble



VACANCIES: 002

On motion of Representative Farnen, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Selby moved that motion lay on the table.

The latter motion prevailed.

**CCR SS SCS HCS HB 490 & HCS HB 308, as amended**, relating to family care safety act, was taken up by Representative Hollingsworth.

On motion of Representative Hollingsworth, **CCR SS SCS HCS HB 490 & HCS HB 308, as amended**, was adopted by the following vote:

AYES: 127

Abel Alter Auer Backer Barnett

Barry 100 Bartle Bennett Berkowitz Berkstresser

Black Blunt Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crump

Daniel Davis 122 Davis 63 Days Dolan

Elliott Evans Farnen Fitzwater Foley

Ford Franklin Fraser Froelker Gambaro

Gaskill George Graham 106 Graham 24 Gratz

Green Griesheimer Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hickey Hilgemann

Holand Hollingsworth Hoppe Hosmer Kasten

Kelly 27 Kennedy Kissell Klindt Koller

Kreider Lakin Lawson Leake Levin

Liese Luetkemeyer Luetkenhaus May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murray Myers Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pryor Ransdall Reid Reinhart Relford

Reynolds Riley Rizzo Robirds Ross

Scheve Schilling Schwab Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Summers Surface Thompson 37 Thompson 72 Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 027

Akin Ballard Bartelsmeyer Boatright Crawford  
Enz Foster Hartzler 124 Hegeman Hendrickson  
Hohulin Howerton Kelley 47 King Legan  
Linton Long Loudon Nordwald Pouche  
Purgason Richardson Ridgeway Sallee Scott  
Stokan Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Dougherty Gibbons Gross Lograsso Marble  
McKenna Murphy

VACANCIES: 002

On motion of Representative Hollingsworth, **CCS SS SCS HCS HB 490 & HCS HB 308** was read the third time and passed by the following vote:

AYES: 132

Abel Alter Auer Backer Barnett  
Barry 100 Bartle Berkowitz Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Chrismer Cierpiot  
Clayton Crump Daniel Davis 122 Davis 63  
Days Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Levin Liese  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McClelland McLuckie Merideth Miller Monaco  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith

Summers Surface Thompson 37 Thompson 72 Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 024

Akin Ballard Bartelsmeyer Bennett Berkstresser

Boatright Champion Crawford Foster Hartzler 124

Hohulin Howerton Legan Linton Long

Loudon Nordwald Purgason Richardson Ridgeway

Sallee Scott Stokan Townley

PRESENT: 000

ABSENT WITH LEAVE: 005

Dolan Lograsso Marble McKenna Murphy

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 115

Abel Auer Backer Barnett Barry 100

Berkowitz Blunt Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Chrismer Clayton Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Kasten Kelly 27 Kennedy Kissell

Klindt Koller Kreider Lakin Lawson

Leake Liese Long Luetkenhaus May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Monaco Murray Myers Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pryor Ransdall Relford Reynolds

Riley Rizzo Robirds Ross Scheve

Schilling Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 043

Akin Alter Ballard Bartelsmeyer Bartle  
Bennett Berkstresser Black Boatright Champion  
Cierpiot Crawford Enz Evans Foster  
Froelker Gaskill Graham 106 Hartzler 124 Hendrickson  
Hohulin Howerton Kelley 47 King Legan  
Levin Linton Loudon Luetkemeyer Miller  
Murphy Nordwald Pouche Purgason Reid  
Reinhart Richardson Ridgeway Sallee Schwab  
Scott Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Dolan Lograsso Marble

VACANCIES: 002

On motion of Representative Hoppe, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Daniel moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HB 368, as amended**, relating to state employees salaries, was taken up by Representative Murray.

On motion of Representative Murray, **CCR SCS HB 368, as amended**, was adopted by the following vote:

AYES: 147

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel



Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Foley Ford  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Gratz Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hegeman Hickey Hilgemann  
Hohulin Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Luetkemeyer Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 007

Boatright Foster Graham 24 Hartzler 124 Hendrickson  
Murphy Purgason

PRESENT: 000

ABSENT WITH LEAVE: 007

Dolan Fitzwater Green Holand Loudon  
Luetkenhaus Treadway

VACANCIES: 002

On motion of Representative Murray, **CCS SCS HB 368** was read the third time and passed by the following vote:

AYES: 147

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Foley Ford  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hegeman Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 006

Boatright Foster Hartzler 124 Hendrickson Murphy  
Purgason

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Fitzwater Graham 24 Luetkemeyer Luetkenhaus  
Marble Nordwald Sallee

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hilgemann, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Boykins moved that motion lay on the table.

The latter motion prevailed.

**CCR#2 HS HCS SCS SBs 8 & 173, as amended**, relating to health programs, was taken up by Representative Ladd Stokan.

On motion of Representative Ladd Stokan, **CCR#2 HS HCS SCS SBs 8 & 173, as amended**, was adopted by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reid Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 003

Barnett Hendrickson Patek

PRESENT: 000

ABSENT WITH LEAVE: 007

Burton Froelker Hilgemann Hohulin Linton

Reinhart Wiggins

VACANCIES: 002

On motion of Representative Ladd Stokan, **CCS#2 HS HCS SCS SBs 8 & 173** was truly agreed to and finally passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt



Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Ridgeway Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Burton Dolan Hohulin Nordwald

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE RESOLUTION

**HR 1168**, relating to House interim committee, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **HR 1168** was adopted.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SCS HCS HCRs 24 & 15**, relating to tobacco settlement funds, was taken up by Representative Boykins.

On motion of Representative Boykins, **SCS HCS HCRs 24 & 15** was adopted by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Van Zandt Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Hohulin Kelly 27 Myers Ridgeway Tudor  
Wiggins

VACANCIES: 002

On motion of Representative Boykins, **SCS HCS HCRs 24 & 15** was read the third time and passed by the following vote:

AYES: 152

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Riley Rizzo Robirds Ross

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Summers Surface Thompson 37 Thompson 72

Townley Treadway Troupe Van Zandt Vogel

Wagner Ward Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Crawford Hohulin Lograsso Long Ridgeway

Sallee Stokan Tudor Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

**SCS HCS HCR 29**, relating to livestock and grain processing industry, was taken up by Representative Kreider.

On motion of Representative Kreider, **SCS HCS HCR 29** was adopted by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkemeyer Luetkenhaus Marble May 108

Mays 50 McBride McClelland McKenna McLuckie

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds



Richardson Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkstresser Gibbons Merideth Parker Ridgeway  
Stokan Wiggins

VACANCIES: 002

On motion of Representative Kreider, **SCS HCS HCR 29** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Enz Evans Farnen Fitzwater  
Foley Ford Fraser Froelker Gambaro  
Gaskill George Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lawson  
Leake Legan Levin Liese Lograsso  
Long Loudon Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Elliott Foster Franklin Gibbons Lakin  
Linton Luetkenhaus Patek Ridgeway Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**SCS HCR 30**, relating to printing of acts and resolutions, was taken up by Representative Clayton.

On motion of Representative Clayton, **SCS HCR 30** was adopted by the following vote:

AYES: 152

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Elliott Enz

Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Ridgeway  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Boucher Dolan Dougherty Gibbons Luetkenhaus  
Patek Secrest Stokan Wiggins

VACANCIES: 002

On motion of Representative Clayton, **SCS HCR 30** was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Black Blunt Boatright  
Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Graham 106 Graham 24 Gratz Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Thompson 72 Townley Treadway Troupe  
Tudor Van Zandt Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Berkstresser Boucher Dolan Dougherty Gibbons  
Green Luetkenhaus Patek Ridgeway Stokan  
Vogel Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.



Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**HCS SS SCS SBs 160 & 82, with HS, as amended, pending**, relating to water service, was taken up by Representative Hoppe.

Representative Kissell having voted on the prevailing side, moved that the vote by which **House Amendment No. 4** was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 143

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hampton Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Loudon Luetkemeyer Luetkenhaus Marble

May 108 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murray Myers

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pryor Ransdall Reid

Reinhart Relford Reynolds Richardson Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 006

Bartelsmeyer Hohulin Hollingsworth Murphy Nordwald

Purgason

PRESENT: 001

Froelker

ABSENT WITH LEAVE: 011

Boucher Hagan-Harrell Hanaway Harlan Hilgemann

Holand Long Mays 50 Pouche Ridgeway

Stokan

VACANCIES: 002

On motion of Representative Luetkenhaus, **House Amendment No. 4** was adopted.

Representative Days offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 107, Section 72.403, Line 21, by inserting immediately after the word "act" the following: ", **except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding the requirements of section 1 of this act**".

On motion of Representative Days, **House Amendment No. 6** was adopted.

Representative Wiggins offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 29, Section 249.645, Line 14, by inserting after all of said line the following:

"278.220. 1. If the proposed subdistrict lies in more than one soil and water conservation district, the petition may be presented to the board of soil and water district supervisors of any one of the districts, and the soil and water supervisors of all the districts shall act jointly as a board of soil and water district supervisors with respect **only** to [all matters concerning the subdistrict, including its formation] **matters including the formation, consolidation, expansion or disestablishment of the subdistrict**. They shall organize as a single board for such purposes and shall designate the chairman, vice chairman, and secretary-treasurer to serve for terms of one year. [After organizing, they may continue to meet as a single board for purposes of governing the subdistrict or they may meet as individual county boards and act, individually, on the minutes of meetings of the trustees of the subdistrict, as specified in section 278.240.] A subdistrict which lies in more than one soil and water conservation district shall be formed in the same manner and shall have the same powers and duties as a subdistrict formed in one soil and water conservation district.

2. Following the entry in the official minutes of the board or boards of soil and water district supervisors of the creation of the subdistrict, the soil and water supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

278.240. 1. The board of soil and water conservation district supervisors of **the** soil and water conservation district in which the subdistrict is formed shall [be the governing body of] **act in an advisory capacity to the subdistrict board**. When a subdistrict lies in more than one soil and water conservation district, the combined boards of soil and water conservation district supervisors shall [be the governing body] **act in an advisory capacity to the subdistrict**.

2. Five persons living within the subdistrict shall be elected to serve as trustees of the subdistrict. The trustees shall be elected by a majority vote of all landowners participating in the referendum for the establishment of the subdistrict, but the date of the election shall not fall upon the date of any regular political election held in the county. The ballot submitting the proposition to form the subdistrict shall be so worded as to clearly state that a tax, not to exceed forty cents on one hundred dollars valuation of all real estate within the subdistrict, will be authorized if the subdistrict is formed. In subdistricts formed after September 28, 1977, two trustees shall be elected for a term of six years, two shall be elected for a term of four years, and one shall be elected for a term of two years. Their successors shall be elected for terms of six years. In any district in existence on September 28, 1977, the three trustees holding office shall continue as trustees. At the next scheduled election within the subdistrict, two additional trustees shall be elected. One of the additional trustees shall be elected for a term of four years and one shall be elected for a term of six years. Each successor shall be elected for a term of six years. The trustees shall elect one of their members as chairman and one of their members as secretary to serve for terms of two years. [If the governing board so designates the trustees may] **The trustees shall act in all matters pertaining to the subdistrict, except those concerning formation, consolidation, expansion or disestablishment of the subdistrict. [All official actions taken by the trustees, however, shall be subject to the ratification of a majority of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed. No actions taken by the trustees shall become effective until ratification of a majority of the governing boards has taken place. At the next regular meeting following any meeting of the trustees, each governing board may place on their agenda for approval or disapproval the actions taken by the trustees. Failure to take action by any board shall be construed as disapproval of all actions taken by the trustees. It shall be the responsibility of the secretary of the trustees to see that each governing board has a copy of the minutes of each meeting held by the trustees at least two days prior to the next regular meetings of these boards. If the governing board shall decide to continue meeting as a single board for purposes of governing the subdistrict, the trustees shall serve as an advisory body only. The trustees shall be reimbursed for mileage expense incurred in the attendance of meetings of the governing body of the subdistrict and shall also be reimbursed for mileage expense incurred in the attendance of meetings of their own members. One trustee per meeting may be reimbursed for mileage expense incurred in the attendance of meetings of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed.] It shall be the responsibility of the secretary of the trustees to see that each soil and water district board included in the subdistrict is provided a copy of the minutes of each meeting held by the trustees. The trustees shall be reimbursed for expenses incurred relating to the business of the subdistrict.**

278.245. [The governing body of the subdistrict or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall have, in addition to other authority granted in other sections of this law, the following authority in governing subdistricts] **The trustees of the subdistrict shall have the following authority:**

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings [in the manner provided in] **pursuant to** chapter 523, RSMo, such lands, easements, or rights-of-way as are needed to carry out any authorized purpose of the subdistrict; provided that notwithstanding any provision of law to the contrary, the power of eminent domain shall not be exercised over the protest of any landowner until it is established that acquisition of the land proposed to be condemned is necessary for the purposes of the subdistrict; and to sell, lease or otherwise dispose of any of its property or interest therein [in furtherance of the purposes and provisions of] **pursuant to** sections 278.160 to 278.300;

(2) To construct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary for the performance of any of the operations authorized by sections 278.160 to 278.300;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses or for carrying out any authorized purpose of such subdistrict, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such subdistrict as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds [as provided in] **pursuant to** section 278.280;

(4) To levy an annual tax and organization tax on the real property within the subdistrict subject to the limitations provided in section 278.250 for payment of the costs for carrying out any authorized purpose of such subdistrict;

(5) To make assessments on the real property within the subdistrict for special benefits to such real property accruing as a result of the construction of any works of improvement by the subdistrict.

278.250. 1. In order to facilitate the preliminary work of the subdistrict [the governing body of the subdistrict or], the trustees of the subdistrict[, when acting with the approval of the governing body as provided in section 278.240,] may levy an organization tax [of] not to exceed forty cents per one hundred dollars of assessed valuation of all real estate within the subdistrict, the proceeds of which may be used for organization and administration expenses of the subdistrict, the acquisition of real and personal property, including easements for rights-of-way, necessary to carry out the purposes of the subdistrict. This levy may be made one time only. The organization tax may be imposed [as provided for in] **pursuant to** subsections 4 and 5 of this section.

2. After the [governing body or the] trustees of the subdistrict[, when acting with the approval of the governing body as provided in section 278.240,] have obtained agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than sixty-five percent of the lands situated in the subdistrict, an annual tax may be imposed for construction, repair, alteration, maintenance and operation of the present and future works of improvement within



the boundaries of the subdistrict in order to participate in funds from federal sources appropriated for watershed protection and flood prevention. The annual tax may be imposed as provided for in subsections 4 and 5 of this section.

3. Within the first quarter of each calendar year, the trustees for the subdistrict shall prepare an itemized budget of the funds needed for administration of the subdistrict and for construction, operation and maintenance of works of improvement for the ensuing fiscal year. The budget shall be subject to the approval of the [governing body of the] subdistrict [as provided in] **trustees pursuant to** section 278.240.

4. The [governing body or the] trustees of the subdistrict, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, shall make the necessary levy on the assessed valuation of all real estate within the boundaries of the subdistrict to raise the needed amounts, but in no event shall the levy exceed forty cents on each one hundred dollars of assessed valuation per annum and, on or before the first day of September of each year, shall certify the rate of levy to the county commission of the county or counties within which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict, in addition to such other taxes as are levied by the county commission.

5. The body having authority to levy taxes within the county shall levy the taxes provided in this law, and all officials charged with the duty of collecting taxes shall collect the taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected; computation shall be made on the regular tax bills, and when collected shall pay the same to the subdistrict ordering its levy and collection or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the subdistrict. The proceeds shall be kept in a separate account by the treasurer of the subdistrict and identified by the official name of the subdistrict in which the levy was made. Expenditures from the fund shall be made on requisition of the chairman and secretary of the [governing body of the subdistrict or, alternately, on requisition of the chairman of the governing body of the subdistrict and the chairman of the trustees of the] subdistrict **board of trustees**.

6. All taxes levied under this law, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the perpetual lien of subdistrict taxes.

7. If the taxes levied are not paid as provided in this section, then the delinquent real property shall be sold at the regular tax sale for the payment of the taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at the tax sale for the property so offered, the property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town, and city taxes.

8. For purposes of section 22 of article X of the Constitution of Missouri, the tax authorized in the ballot submitting the proposition to form the subdistrict under section 278.240, if approved by a majority of the voters on or prior to November 4, 1980, shall be deemed the current levy authorized by law on November 4, 1980, if on that date a levy was not actually imposed or was imposed in a lesser amount. This tax shall also be considered as the 1984 tax for purposes of section 137.073, RSMo, in the event no levy was imposed by the subdistrict for that year.

278.280. 1. When a plan of work is approved [the governing body or], the trustees of the subdistrict, [when acting with the approval of the governing body] as provided in section 278.240, shall then by resolution propose that the cost of all works of improvement contemplated in the plan be paid either by a general levy against all real estate in the subdistrict, subject to the limitations of section 278.250, or that such cost be paid by special assessment against lands within the subdistrict to be benefitted by the installation of the proposed works of improvement, or that such cost be paid by both such general levy and special assessment stating the portion to be paid by each method.

2. If the resolution of financing provides that all or any part of the cost of the works of improvement is to be paid by special assessment of benefits [the governing body or] the trustees of the subdistrict **shall**, [when acting with the approval of the governing body] as provided in section 278.240, [shall] appoint three appraisers, who shall be residents of the state of Missouri, and who shall not be landowners in such subdistrict, who shall recommend apportionment of the special assessment to the tracts of land which will receive benefits from the installation of the works of improvement proposed in the plan of work. The appraisers shall have access to all available engineering reports and data pertaining to the works contemplated and may request additional legal counsel or engineering data from a registered professional engineer as found necessary to carry out their duties.

3. The appraisers shall proceed to view the premises and determine the value of all land or other property within or without the subdistrict, to be acquired and used for rights-of-way or other works set out in the plan of work; they shall assess the amount of benefits, and the amount of damage if any, that will accrue to each governmental lot, forty-acre tract or other subdivision of land according to ownership, railroad and other rights-of-way, railroad roadways, and other property from carrying out and putting into effect the plan of work heretofore adopted, and shall make written reports of their findings to the [governing board] **trustees** of the subdistrict. Each appraiser so appointed shall be paid [fifteen dollars per day] for his **or her** services and necessary expenses [in addition thereto].

4. Upon receiving the report from the appraisers, [the governing body or] the trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] prepare a resolution which shall contain a list of the tracts of land found to be benefitted and the amount of assessment to be levied against each such tract, except that no such assessment against any tract of land shall exceed the estimated benefits to such land by such project. Such tracts of land shall be legally described and the names of the owners thereof shall be set forth beside the description of each tract so listed. After adopting such resolution [the governing body or], the trustees of the subdistrict **shall**, [when acting



with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] fix a time and place for hearing any complaint that may be made as to the benefit to any tract of land appraised, notice of which hearing shall be given by the secretary by publication [as in] **pursuant to** section 278.190. The board **of trustees** at the hearing may alter the benefits to any tract if, in its judgment, the same has been appraised too high or too low. The hearing shall be conducted in the manner set forth in section 278.200. The [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] immediately after the hearing pass a resolution fixing the benefit assessment as to each tract of land.

5. After the resolution fixing the benefit assessment has been adopted the [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] submit the proposal for collection of such assessed benefits to the owners of the lands so assessed for approval and if bonds are to be issued the amount of the issue so proposed, the rate of interest, and the amount of any necessary tax levy in excess of the amount authorized in section 278.250. If two-thirds of the owners of such lands voting favor the proposal as submitted, it shall be adopted. The provisions of sections 278.190 to 278.210 as to notice and procedure shall apply to the referendum held [under] **pursuant to** this section.

6. The [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] make the necessary general levy against all real estate in the subdistrict and the special assessment against lands within the subdistrict to be benefited by the improvement and shall certify the rate of levy and the amount of the special assessment to the county commission of the county or counties in which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict and shall levy the amount of the special assessment, in addition to such other taxes as are levied by the county commission.

7. The bond issue, authorized by this section in whole or part, may be offered for sale to the [Farmers Home Administration] **United States Department of Agriculture's Rural Development** or other federal agency without public offering or the securing of competitive bids on such bond offering.

278.290. 1. After a subdistrict has been organized for more than five years and [said] **such** subdistrict does not have any outstanding bonds, has not constructed or contracted to construct any works of improvement, nor incurred any continuing obligations for maintenance and operation of any works of improvement or if any works of improvement have been constructed, if there are no bonds outstanding, and an agency of the United States government or the state of Missouri or a county or municipal corporation of this state has made arrangements satisfactory to the Secretary of Agriculture and the state soil and water districts commission to assume responsibility for operating and maintaining such improvement, not less than fifty percent of the landowners of the subdistrict may petition the [governing body] **soil and water district board** of the subdistrict to call for and conduct a referendum upon the disestablishment of the subdistrict. If sixty-five percent of the landowners voting in referendum do vote in favor of the disestablishment of the subdistrict, the [governing body] **soil and water district board** shall declare the subdistrict to be disestablished; however, prior to any such declaration the [governing body] **soil and water district board** shall pay or make arrangements to pay any outstanding indebtedness. The provisions of sections 278.190, 278.200 and 278.210 as to notice, qualification of voters and manner of holding the referendum in organizing a subdistrict to the extent practicable shall apply to the referendum held [under] **pursuant to** this section.

2. Following the entry in the official minutes of the board or boards of soil and water conservation district supervisors of the disestablishment of the subdistrict, the soil and water conservation district supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

3. Whenever a subdistrict is declared to be disestablished, the respective boards of supervisors of the soil and water conservation districts in which the subdistrict was formed shall take charge of all property and funds of the subdistrict. After all property has been sold and the obligations of the subdistrict are met, any remaining funds shall be turned over to the county commissions of the respective counties.

278.300. If a soil and water conservation district is disestablished [as provided by] **pursuant to** section 278.150, the state soil and water districts commission shall [become the governing body] **have the same responsibilities as the soil and water conservation district with respect to formation, consolidation and disestablishment** of any subdistrict or portion thereof, organized within the boundaries of such soil and water conservation districts [and shall be entitled to all benefits and powers heretofore granted to such governing body by sections 278.160 to 278.300, including the levy and collection of taxes]. **In all other matters, the commission shall act in an advisory capacity.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Wiggins, **House Amendment No. 7** was adopted.

Representative Treadway offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 16, Section 71.015, Line 21, by inserting immediately after said line the following:

**"72.424. Notwithstanding any other provisions of sections 72.400 to 72.422, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being of the third classification with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of the effective date of this section. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, 2000.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Treadway, **House Amendment No. 8** was adopted.

Representative Gibbons offered **House Amendment No. 9**.

*House Amendment No 9*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 123, Section 72.416, Lines 6-15, by deleting all of said lines.

Representative Gibbons moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Kasten Kelley 47 King

Klindt Legan Levin Linton Lograsso

Long Loudon Marble McClelland Merideth

Miller Murphy Naeger Nordwald Ostmann

Patek Pouche Pryor Purgason Reid

Reinhart Reynolds Richardson Robirds Ross

Sallee Schwab Scott Secrest Shields

Summers Surface Townley Tudor Vogel

Wright

NOES: 084

Abel Auer Backer Barry 100 Berkowitz  
Bonner Boucher Boykins Bray 84 Britt  
Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Dougherty Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro George Graham 24 Gratz Green  
Gunn Hagan-Harrell Hampton Harlan Hickey  
Hilgemann Holand Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Kissell Koller Kreider  
Lakin Lawson Leake Liese Luetkenhaus  
May 108 Mays 50 McBride McKenna McLuckie  
Monaco Murray O'Connor O'Toole Overschmidt  
Parker Ransdall Relford Riley Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Thompson 37 Thompson 72 Treadway  
Troupe Van Zandt Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Hohulin Howerton Luetkemeyer Myers Ridgeway  
Stokan

VACANCIES: 002

Representative Selby offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 22, Line 19, by inserting the following:

**Section 22. Notwithstanding any other provision of law to the contrary, from April 1, 2000, to April 1, 2001, any person required to obtain a motor vehicle emissions inspection shall have the option to obtain an emissions inspection pursuant to section 307.366, RSMo, which shall be valid for one year, or to obtain an emissions inspection pursuant to section 643.315, RSMo, which shall be valid for two years. The director of the department of revenue shall have the authority to promulgate any rules or regulations necessitated by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.; and**

Further amend the title and enacting clause accordingly.

On motion of Representative Selby, **House Amendment No. 10** was adopted.



Representative Luetkenhaus offered **House Amendment No. 11**.

Representative Burton raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Hoppe, **HS HCS SS SCS SBs 160 & 82, as amended**, was adopted.

On motion of Representative Hoppe, **HS HCS SS SCS SBs 160 & 82, as amended**, was read the third time and passed by the following vote:

AYES: 124

Abel Auer Backer Barnett Barry 100

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Blunt Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Graham 106 Graham 24 Gratz Green Gross

Gunn Hagan-Harrell Hampton Harlan Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Holand

Hoppe Hosmer Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Levin Liese

Lograsso Luetkenhaus Marble May 108 Mays 50

McBride McKenna McLuckie Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Scheve

Schilling Scott Seigfreid Selby Shelton

Skaggs Smith Stokan Summers Surface

Thompson 37 Thompson 72 Townley Treadway Troupe

Van Zandt Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 021



Alter Ballard Black Boatright Crawford  
Enz Evans Froelker Gibbons Griesheimer  
Hanaway Kasten Linton Loudon McClelland  
Merideth Murphy Patek Schwab Secrest  
Shields

PRESENT: 000

ABSENT WITH LEAVE: 016

Akin Dolan Hartzler 123 Hohulin Hollingsworth  
Howerton Legan Long Luetkemeyer Myers  
Parker Pouche Ridgeway Sallee Tudor  
Vogel

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bennett  
Berkowitz Berkstresser Blunt Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hampton  
Hanaway Harlan Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Hosmer Kasten Kelley 47 Kelly 27 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Liese Linton Lograsso  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Miller Monaco  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Ransdall Reid Reinhart  
Relford Reynolds Richardson Riley Rizzo

Robirds Ross Scheve Schilling Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 014

Bartle Black Boatright King Legan  
Loudon Merideth Murphy Patek Pryor  
Purgason Schwab Summers Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Dolan Hagan-Harrell Hartzler 123 Hohulin Howerton  
Levin Long Luetkemeyer Myers Parker  
Pouche Ridgeway Sallee Vogel

VACANCIES: 002

On motion of Representative Campbell, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative May (108) moved that motion lay on the table.

The latter motion prevailed.

#### **BILLS CARRYING REQUEST MESSAGES**

**HS HCS SB 20, as amended**, relating to community improvement, was taken up by Representative Schilling.

Representative Schilling moved that the House grant the Senate a further conference on **HS HCS SB 20, as amended**.

Which motion was adopted.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SS SCS HS HCS HB 701**: Representatives Rizzo, Bonner, Mays (50), Hohulin and Vogel

#### **RE-APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS HCS SB 20:** Representatives Schilling, Hosmer, Riback Wilson, Myers and Ostmann

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SB 61, as amended:** Senators Johnson, Mathewson, Stoll, Bentley and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SCS SB 335, as amended:** Senators Caskey, Mathewson, Scott, Westfall and Singleton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate requests the House to return **CCS SS SCS HB 65** for further consideration.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HS HCS HB 701, as amended:** Senators Mathewson, Johnson, Scott, Childers and Klarich.

On motion of Representative Foley, the House recessed until 1:30 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

### HOUSE RESOLUTION OFFERED

House Resolution No. 1505 - Representative Skaggs

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1496 through House Resolution No. 1498 - Representative Relford

House Resolution No. 1499 - Representative Klindt

House Resolution No. 1500 and House Resolution No. 1501 - Representative Lakin

House Resolution No. 1502 - Representative Van Zandt

House Resolution No. 1503 and House Resolution No. 1504 - Representative Koller

House Resolution No. 1506 - Representative Barry

House Resolution No. 1507 - Representative Sallee

House Resolution No. 1508 - Representative Backer

House Resolution No. 1509 - Representative Gaw

### BILL CARRYING REQUEST MESSAGE

**SCR 13, as amended, with Senate Perfecting Amendment No. 1**, relating to social security and medicaid, was taken up by Representative Franklin.

On motion of Representative Franklin, the House concurred in **Senate Perfecting Amendment No. 1** by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Leake Legan Levin  
Liese Linton Long Loudon Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Townley Treadway Troupe Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bonner Dolan Lawson Lograsso Luetkemeyer  
Murphy Myers Naeger Pryor Richardson  
Ridgeway Wiggins Williams 159

VACANCIES: 002

On motion of Representative Franklin, **SCR 13, as amended**, was read the third time and passed by the following vote:



AYES: 142

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Boucher Boykins Bray 84 Britt

Burton Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Enz

Evans Farnen Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Liese Long Loudon

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reid Reinhart Relford Reynolds

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Williams 121

Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Bonner Campbell Dolan Fitzwater Froelker

Lawson Linton Lograsso Luetkemeyer Marble

Murphy Myers Naeger Pryor Richardson

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Abel moved that motion lay on the table.

The latter motion prevailed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 267**, entitled:

An act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329 and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9 and Senate Amendment No. 10.

#### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 8, by deleting the number "3" and inserting in lieu thereof the number "4".

#### *Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 1, Section A, Line 7 of said section, by inserting immediately after said line the following:

"311.091. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter **and on the premises of vessels, operated under single ownership, registered by the United States Coast Guard by Certificate of Documentation, with a passenger capacity under one hundred persons each, and operating on impounded waters in a city having a population of at least four hundred thousand and located in more than one county**. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year."; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, by

inserting a new section 1 at the end of the bill: "unless an on-duty peace officer for the Division of Liquor Control is working undercover, such peace officer shall immediately upon entering the premises of a retail licensee present such officer's identification to the licensee or employee in charge."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 2, Section 311.093, Line 13, by inserting after said line the following:

"311.095. 1. Notwithstanding any other provisions of this chapter to the contrary, **except as provided in subsection 2 of this section**, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term "resort" means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in subsection [2] **3** of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

**2. In any county seat of a county of the first classification without a charter form of government with a population of at least sixty-two thousand but less than eighty thousand, no person shall be granted a resort license unless such person otherwise complies with local ordinances.**

[2.] **3.** A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter.

[3.] **4.** The times for opening and closing the establishments as fixed in section 311.290, the authority for the collection of fees by counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed under section 311.090.

[4.] **5.** Any new resort or restaurant establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment."; and

Further amend said bill, by amending the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 4, Section 311.098, Line 1, by inserting immediately after said line the following:

"311.102. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of [11:00] **9:00** a.m. on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment located in a city not



within a county or in a county of the first classification having a charter form of government with a population of at least nine hundred thousand or more inhabitants or in a county of the first classification having a charter form of government containing any portion of a city with a population of three hundred eighty thousand or more or in any city with a population of three hundred eighty thousand or more which is located in more than one county which has occupancy capacity for patrons of at least three hundred and which has gross annual sales in excess of two hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 2, Section 311.098, Line 20, by striking "11:00" and inserting in lieu thereof the following: "[11:00] **9:00**"; and

Further amend said bill, Page 2, Section 311.098, Line 25, by inserting immediately after the word "feet," the following: "**or in the case of an outdoor amusement place whose business property equals or exceeds one acre in size,**"; and

Further amend said bill, Page 2, Section 311.098, Line 27, by inserting after the word "basketball" the following: ", **miniature golf, darts, horseshoes**"; and

Further amend said bill, Page 3, Section 311.098, Line 1, by inserting after the word "occur," the following: "**or a motor speedway or drag strip where auto racing occurs, or an ice skating rink or roller skating rink,**"; and

Further amend said bill, Page 3, Section 311.098, Line 14, by inserting after all of said line the following:

**"3. If any amusement place has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings on the same business property where intoxicating liquor is sold, such license shall be valid for the sale of intoxicating liquor at any such building."**; and

Further amend said bill, Page 3, Section 311.098, Line 15, by striking the numeral "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, Page 3, Section 311.098, Line 18, by striking "11:00" and inserting in lieu thereof the following: "[11:00] **9:00**".

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 14 of said page, by inserting after all of said line the following:

**"Section 1. Notwithstanding any other provisions of chapter 311, RSMo, to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits equipment to properly preserve and serve distilled spirits. To facilitate the delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components; and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering same for a period of not less than one year."**; and

Further amend said bill, by amending the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 20, Section 311.660, Line 7, by inserting at the end of said line the following:

**(11) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity**



of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 22, Section 311.680, Line 7, by deleting the remainder of page 22, following line 7, and all of page 23, and lines 1 and 2 on page 24; and

Further amend said bill page 24, line 9, by deleting the words "shall not" and insert in lieu thereof the word "**may**"; and

Further amend said bill page 24, line 12, by deleting the word "not" on said line.

*Senate Amendment No. 10*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 14, by inserting immediately after said line the following:

**"Section 1. 1. Any person who is licensed pursuant to chapter 311, RSMo, to sell or serve alcoholic beverages at any establishment a warning sign as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects.". The licensee shall display such sign in a conspicuous place on the licensed premises.**

**2. Any employee of the supervisor of liquor control may report a violation of this section to the supervisor, and the supervisor shall issue a warning to the licensee of the violation."; and**

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SBs 308 & 314, as amended**: Senators Scott, Staples, Mathewson, Sims and Mueller.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS SB 326**, and has taken up and passed **CCS HS SB 326**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 368, as amended**, and has taken up and passed **CCS SCS HB 368**.

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 326**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for Senate Bill No. 326; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 326;
2. That the Senate recede from its position on Senate Bill No. 326; and
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 326 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Tim Harlan /s/ Wayne Goode

/s/ Charles "Quincy" Troupe /s/ Jerry Howard

/s/ Lana Ladd Stokan /s/ Bill Kenney

/s/ Mark Richardson /s/ Jim Mathewson

/s/ Patrick Naeger /s/ Betty Sims

#### **BILL IN CONFERENCE**

**CCR HS SB 326**, relating to nursing facility reimbursement allowance, was taken up by Representative Harlan.

On motion of Representative Harlan, **CCR HS SB 326** was adopted by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dougherty Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pryor

Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bonner Boucher Dolan Hanaway Linton  
Luetkemeyer Myers Pouche Ridgeway Williams 159

VACANCIES: 002

On motion of Representative Harlan, **CCS HS SB 326** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Boucher Boykins Bray 84 Britt  
Burton Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Liese  
Long Loudon Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Wilson Wright  
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bonner Campbell Dolan Levin Linton  
Lograsso Luetkemeyer Pouche Ridgeway Williams 159

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Abel Akin Auer Backer Barnett  
Barry 100 Bartelsmeyer Bartle Bennett Berkowitz  
Berkstresser Black Blunt Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dougherty Elliott Enz Evans  
Farnen Fitzwater Foley Ford Foster  
Franklin Fraser Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin



Liese Long Loudon Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Pouche  
Pryor Purgason Ransdall Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Wilson Mr. Speaker

NOES: 008

Alter Ballard Boatright Froelker Hohulin  
Patek Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Dolan Hagan-Harrell Holand Linton Lograsso  
Luetkemeyer Ridgeway Williams 159

VACANCIES: 002

On motion of Representative Gambaro, title to the bill was agreed to.

Representative Fraser moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

#### **SENATE CONCURRENT RESOLUTIONS**

**SCR 8**, relating to George Washington Career Day, was taken up by Representative Boykins.

On motion of Representative Boykins, **SCR 8** was read the third time and passed by the following vote:

AYES: 153

Abel Akin Alter Auer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Long Loudon Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Dolan Franklin Lograsso Luetkemeyer  
Marble Ridgeway Williams 159

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Luetkenhaus moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**SCR 20**, relating to employment of independent CPA, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **SCR 20** was read the third time and passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Ford Foster Fraser Froelker Gambaro

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Wilson Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Boucher Foley Franklin Gaskill Hagan-Harrell

Lawson Luetkemeyer Marble Ridgeway Williams 159

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS HCS SCS SBs 308 & 314:** Representatives Skaggs, O'Toole, Hagan-Harrell, Foster and Lograsso

Speaker Pro Tem Kreider resumed the Chair.

#### THIRD READING OF SENATE BILLS

**HCS SS SB 373, with HS, as amended, pending,** relating to horse racing and pari-mutuel wagering, was taken up by Representative Crump.

Representative Kennedy offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 19, Section 313.562, Line 16, by striking the period "." at the end of said line and inserting in lieu thereof "; **and**"; and

Further amend said page and section, line 16, by inserting at the end of said line the following:

**"(9) Engaging in an unfair labor practice as defined by the National Labor Relations Act."**

On motion of Representative Kennedy, **House Amendment No. 4** was adopted.



Representative Crump offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 45, Section 313.652, Line 4, by inserting after all of said line the following:

**"6. Breakage and unclaimed winnings shall be divided as follows: seventy-five percent to be used as purse money for special races as approved by the commission for Missouri-bred horses and twenty-five percent for deposit into the Missouri breeders fund.";** and

Further amend said page and section, line 5, by inserting an opening bracket "[" before the numeral "6." and on line 13 by inserting a closing bracket "]" after the word "purposes".

On motion of Representative Crump, **House Amendment No. 5** was adopted.

Representative Backer offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 47, Section 313.660, Lines 1 through 2, and on page 48, lines 1 through 18, by deleting all of said lines and substituting therefor the following:

"313.660. 1. No licensee shall locate its race meeting grounds or associated pari-mutuel facilities closer than 2000 feet from an existing school or place of worship.

2. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager at an associated pari-mutuel facility or for a fee deliver anything of value which has been received outside of that race meeting grounds or an associated pari-mutuel facility licensed pursuant to sections 313.500 to 313.720. No forms of gambling shall be authorized or conducted at a licensed race meeting grounds or associated pari-mutuel facility other than as specifically authorized in sections 313.500 to 313.720."

On motion of Representative Backer, **House Amendment No. 6** was adopted.

Representative Lawson offered **House Amendment No. 7.**

Representative Crump raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kelly (27) offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 35, Section 313.630, Line 7 of said page, by inserting an opening bracket "[" before the word "In"; and

Further amend said bill, Page 35, Section 313.630, Line 10 of said page, by deleting the opening bracket "["; and

Further amend said bill, Page 35, Section 313.630, Line 12 of said page, by deleting the phrase "] licensee"; and

Further amend said bill, Page 35, Section 313.630, Line 14 of said page, by deleting all of said line and inserting in lieu thereof the following: "attending the races for deposit in the state"; and

Further amend said bill, Page 35, Section 313.630, Line 22 of said page, by inserting after the closing bracket "]" the following:

**"1. Notwithstanding any other provision of law to the contrary, each licensee shall pay to the commission a total admission fee of three dollars for each person entering a race meeting grounds or an associated pari-mutuel facility with a ticket of admission, and one dollar of such fee shall not be considered state funds and shall be paid to the home city or county designated by the race meeting grounds or associated pari-mutuel facility. Nothing in this**

section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person entering a race meeting grounds or an associated pari-mutuel facility. If tickets are issued which are good for more than one race meeting, the admission fee shall be paid to the commission for each person using the ticket for each race meeting that the ticket is used. If free passes or complimentary admission tickets are issued, the licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working at the race meeting grounds or associated pari-mutuel facility. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission."; and

Further amend said bill, Page 35, Section 313.630, Line 22 of said page, by deleting the word "**Missouri**"; and

Further amend said bill, Page 35, Section 313.630, Lines 22 to 24 of said page, by deleting all of said lines; and

Further amend said bill, Page 36, Section 313.630, Lines 1 to 4 of said page, by deleting all of said lines; and

Further amend said bill, Page 51, Section 313.845, Line 8 of said page, by inserting after all of said line the following:

"Section 1. Notwithstanding any provision of law to the contrary, a tax is imposed on the adjusted gross receipts received from gambling games authorized pursuant to sections 313.500 to 313.720, RSMo, at the rate of twenty percent. The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within ten days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the ten days. Except as provided in this section, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each race meeting grounds or pari-mutuel facility shall designate a city or county as its home. The home city or county may enter into agreements with other cities or counties to share revenue pursuant to this section. The home city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied pursuant to this section, for use in providing services necessary for the safety of the public visiting a race meeting grounds or a pari-mutuel facility. Such home city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the Missouri horse racing fund."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Kelly (27) moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 077

Akin Alter Auer Ballard Barnett

Bartelsmeyer Bartle Black Blunt Boatright

Boucher Bray 84 Burton Campbell Champion

Chrismer Cierpiot Dougherty Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Holand Hosmer Howerton

Kelley 47 Kelly 27 King Klindt Lawson

Legan Levin Linton Lograsso Long  
Loudon Luetkemeyer Marble Mays 50 McClelland  
McLuckie Miller Murphy Myers Ostmann  
Patek Pouche Purgason Reid Reinhart  
Reynolds Robirds Ross Sallee Schilling  
Scott Secrest Shields Skaggs Smith  
Stokan Summers Surface Townley Van Zandt  
Williams 121 Wright

NOES: 079

Abel Backer Barry 100 Bennett Berkowitz  
Bonner Boykins Britt Carter Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Farnen Fitzwater Foley Ford  
Franklin Fraser Gambaro George Graham 24  
Gratz Green Griesheimer Hagan-Harrell Hampton  
Harlan Hickey Hilgemann Hohulin Hollingsworth  
Hoppe Kasten Kennedy Kissell Kreider  
Lakin Leake Liese Luetkenhaus May 108  
McBride McKenna Merideth Monaco Murray  
Naeger Nordwald O'Connor O'Toole Overschmidt  
Parker Pryor Ransdall Relford Richardson  
Riley Rizzo Scheve Schwab Seigfreid  
Selby Shelton Thompson 37 Thompson 72 Treadway  
Troupe Tudor Vogel Wagner Ward  
Wiggins Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Berkstresser Dolan Gunn Koller Ridgeway

VACANCIES: 002

Representative Campbell offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 373, Page 48, Section 313.660, Line 14, by deleting the words "A misdemeanor" and inserting in lieu thereof, "**C felony**"; and

Further amend said bill, page 26, section 313.585, subsection 2, line 7, after the word "Missouri", by inserting the following:

**"with no less than 8 live horses per day with no less than six entries per race conducted at the licensee's race meeting grounds"; and**

Further amend said line, by deleting the words, "may" and inserting in lieu thereof, "**shall**", unless for good cause shown.

On motion of Representative Campbell, **House Amendment No. 8** was adopted.

Representative Foley moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Monaco

Murray O'Connor O'Toole Overschmidt Parker

Ransdall Relford Riley Rizzo Scheve

Schilling Seigfreid Selby Shelton Skaggs

Smith Thompson 37 Thompson 72 Treadway Troupe

Van Zandt Wagner Ward Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 074

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Gross Hanaway Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Howerton Kasten

Kelley 47 King Klindt Legan Levin

Linton Lograsso Long Loudon Luetkemeyer

Marble McClelland Merideth Miller Murphy

Myers Naeger Nordwald Ostmann Patek



Pouche Pryor Purgason Reid Reinhart  
Richardson Robirds Ross Sallee Schwab  
Scott Secrest Shields Summers Surface  
Townley Tudor Vogel Wright

PRESENT: 001

Reynolds

ABSENT WITH LEAVE: 003

Holand Ridgeway Stokan

VACANCIES: 002

On motion of Representative Crump, **HS HCS SS SB 373, as amended**, was adopted.

Representative Crump moved that **HS HCS SS SB 373, as amended**, be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 061

Abel Auer Barry 100 Berkowitz Boykins  
Britt Carter Crump Daniel Davis 122  
Days Dolan Dougherty Farnen Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Hagan-Harrell Harlan  
Hickey Hilgemann Hohulin Hollingsworth Kennedy  
Kissell Kreider Leake Luetkenhaus May 108  
Mays 50 McKenna Merideth Monaco Murphy  
Murray Naeger Nordwald O'Connor O'Toole  
Overschmidt Reynolds Richardson Riley Rizzo  
Scheve Selby Shelton Thompson 72 Troupe  
Vogel Wagner Ward Wiggins Williams 159  
Mr. Speaker

NOES: 098

Akin Alter Backer Ballard Barnett  
Bartelsmeyer Bartle Bennett Berkstresser Black  
Blunt Boatright Bonner Boucher Bray 84  
Burton Campbell Champion Chrismer Cierpiot  
Clayton Crawford Davis 63 Elliott Enz  
Evans Fitzwater Foster Froelker Gaskill  
Gibbons Graham 106 Griesheimer Gross Gunn

Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman

Hendrickson Holand Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 King Klindt

Koller Lakin Lawson Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Marble McBride McClelland McLuckie

Miller Myers Ostmann Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Ross Sallee Schilling

Schwab Scott Secrest Seigfreid Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Townley Treadway Tudor Van Zandt

Williams 121 Wilson Wright

PRESENT: 001

Robirds

ABSENT WITH LEAVE: 001

Ridgeway

VACANCIES: 002

**HCS SS SCS SBs 1, 92, 111, 129 & 222**, relating to court procedure and jurisdiction, was taken up by Representative May (108).

Representative May (108) offered **HS HCS SS SCS SBs 1, 92, 111, 129 & 222**.

Representative Hanaway raised a point of order that the **House Substitute** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Smith offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 97, Section 3, Line 13 of said page, by deleting the following: "**or any other interested party**"; and

Further amend said bill, Page 99, Section 5, Line 17 of said page, by deleting the following: "**or other interested party is domiciled**"; and

Further amend said bill, Page 100, Section 6, Line 17 of said page, by deleting all of said line and inserting in lieu thereof the following: "**Any provision in a transfer agreement**"; and

Further amend said bill, Page 100, Section 6, Line 21, by inserting after the word "**agreement**" the following: "**shall be unenforceable**"; and

Further amend said bill, Page 100, Section 6, Line 22, by deleting all of said line.

On motion of Representative Smith, **House Amendment No. 1** was adopted.

Representative Smith offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 38, Section 452.340, Line 4, by inserting immediately after the word "**emancipated**" the following: "**and reciting the factual basis for such statement**".

On motion of Representative Smith, **House Amendment No. 2** was adopted.

Speaker Gaw resumed the Chair.

Representative Auer offered **House Amendment No. 3.**

Representative May (108) raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Schilling offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 88, Section 536.053, Line 13 of said page, by inserting after all of said line the following:

**"540.107. 1. All witness testimony before a grand jury shall be recorded stenographically or by an electronic recording device. An unintentional failure of any recording to reproduce all or any portion of such testimony shall not affect the validity of a prosecution. The recording or reporter's notes or any transcript prepared therefrom shall remain in the custody or control of the attorney for the state unless otherwise ordered by the court in a particular case. Before taking down any evidence, the reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting in the prosecution of an indictment brought by such grand jury.**

**2. All testimony recorded or transcribed pursuant to this section is a closed record as provided in chapter 610, RSMo, and shall be accessible to the parties only as provided by supreme court rule.**

**3. Any party requesting a transcript of such testimony shall be responsible for the costs of such transcript.**

**4. The provisions of this section shall apply only to counties of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants."; and**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Schilling, **House Amendment No. 3** was adopted.

Representative Monaco offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 26, Section 452.310, Line 12, by inserting after the word "process" the following: "**or the filing of the entry of appearance, whichever event first occurs**".

On motion of Representative Monaco, **House Amendment No. 4** was adopted.

Representative Backer offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 67, Section 477.087, Line 7, by removing the brackets from the word "not".

Representative Backer moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Akin Auer Backer Barnett Barry 100

Berkstresser Black Boatright Burton Carter

Chrismer Cierpiot Crump Daniel Dolan

Elliott Enz Evans Farnen Foster

Franklin Froelker Gaskill Gratz Green

Griesheimer Gross Hartzler 124 Hegeman Hendrickson

Hilgemann Hohulin Holand Hoppe King

Koller Leake Legan Linton Long

Loudon Luetkemeyer Luetkenhaus McBride McClelland

Miller Murray Myers Nordwald O'Connor

Ostmann Overschmidt Pouche Pryor Purgason

Reid Robirds Scott Shields Stokan

Surface Vogel Wiggins

NOES: 090

Abel Alter Ballard Bartle Bennett

Berkowitz Blunt Bonner Boucher Boykins

Bray 84 Britt Campbell Champion Clayton

Crawford Davis 122 Davis 63 Days Dougherty

Fitzwater Foley Ford Gambaro George

Gibbons Graham 106 Graham 24 Gunn Hagan-Harrell

Hampton Hanaway Hartzler 123 Hickey Hollingsworth

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy Kissell Klindt Kreider Lakin

Lawson Levin Liese Lograsso Marble

May 108 Mays 50 McKenna Merideth Monaco

Naeger O'Toole Parker Patek Ransdall

Reinhart Relford Reynolds Richardson Riley

Rizzo Ross Sallee Scheve Schilling



Secrest Selby Shelton Skaggs Smith

Summers Thompson 37 Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Wagner Ward

Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 001

Fraser

ABSENT WITH LEAVE: 007

Bartelsmeyer Harlan McLuckie Murphy Ridgeway

Schwab Seigfreid

VACANCIES: 002

Representative Burton offered **House Amendment No. 6**.

Speaker Pro Tem Kreider resumed the Chair.

Representative Monaco raised a point of order that **House Amendment No. 6** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Hosmer offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Pages 92-93, Section 600.040, Lines 17-24 of page 92, and lines 1-4 of page 93, by striking said lines and inserting in lieu thereof the following:

"600.040. 1. [The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service.] The state shall pay,"; and

Further amend said bill, page 93, section 600.101, lines 20-22 of said page, by striking all of said section; and

Further amend the title and enacting clause of said bill accordingly.

On motion of Representative Hosmer, **House Amendment No. 6** was adopted.

Representative Crawford offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 101, Section 7, Line 8 of said page, by inserting after all of said line the following:

"Section B. Section 21.750, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction. [This section shall take effect on January 1, 1985.]

**4. The lawful design, marketing, manufacture or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se.**

**5. No county, city, town, village or any other political subdivision shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public. Such rights are reserved exclusively to the state.**

**6. Nothing in this section shall prevent a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by such political subdivision.**

Section C. Because immediate action is necessary to promote justice, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title accordingly.

Representative Monaco raised a point of order that **House Amendment No. 7** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Bennett offered **House Substitute Amendment No. 1 for House Amendment No. 7.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 101, Section 7, Line 8 of said page, by inserting after all of said line the following:

"Section B. Section 21.750, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction. [This section shall take effect on January 1, 1985.]

**4. The lawful design, marketing, manufacture or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se.**

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of the effective date of this section, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of persons to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.

Section C. Because immediate action is necessary to promote justice, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title accordingly.

On motion of Representative Bennett, **House Substitute Amendment No. 1 for House Amendment No. 7** was adopted by the following vote:

AYES: 092

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkowitz Berkstresser Black  
Blunt Boatright Burton Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 63  
Dolan Elliott Enz Evans Farnen  
Ford Foster Froelker Graham 106 Gratz  
Griesheimer Gross Hampton Hanaway Hartzler 123  
Hartzler 124 Hendrickson Hohulin Hoppe Howerton  
Kasten Kelley 47 King Kissell Klindt  
Koller Kreider Lawson Legan Levin  
Liese Linton Lograsso Loudon Luetkemeyer  
Luetkenhaus Marble McBride Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Overschmidt Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Robirds Ross  
Sallee Schwab Scott Secrest Seigfreid  
Shields Summers Surface Thompson 37 Townley  
Tudor Vogel Wagner Ward Wiggins  
Wright Mr. Speaker

NOES: 057

Abel Auer Barry 100 Bonner Boucher  
Boykins Bray 84 Britt Campbell Carter  
Daniel Davis 122 Days Fitzwater Foley  
Franklin Fraser Gambaro George Gibbons  
Graham 24 Green Gunn Hagan-Harrell Harlan  
Hegeman Hickey Hilgemann Hosmer Kelly 27



Kennedy Lakin May 108 McClelland McKenna  
McLuckie Monaco Murray O'Toole Parker  
Ransdall Relford Reynolds Riley Rizzo  
Scheve Schilling Selby Shelton Skaggs  
Smith Stokan Thompson 72 Treadway Van Zandt  
Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Backer Dougherty Gaskill Holand Hollingsworth  
Leake Long Mays 50 O'Connor Ridgeway  
Troupe Williams 159

VACANCIES: 002

Representative Richardson offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 61, Section 476.682, Line 24 of said page, by striking the word "eight" on said line and inserting in lieu thereof the word "two"; and

Further amend said bill and section, page 62, line 1 of said page, by inserting after the word "judge" on said line the words "**or commissioner**"; and

Further amend said bill, page and section, line 7 of said page, by inserting after the word "foregoing" on said line the words "**any judge or commissioner who has retired prior to August 28, 1999, who serves subsequent to said date as a senior judge or commissioner may receive compensation pursuant to this section regardless of their length of service**".

On motion of Representative Richardson, **House Amendment No. 8** was adopted.

Representative Campbell offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 47, Section 493.072, Line 5, by inserting after all of said line the following:

"455.045. Any ex parte order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

- (1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;
- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
  - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
  - (b) Owned, leased [or], rented **or occupied** by petitioner individually; or
  - (c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief [under] **pursuant to** this section by reason of the absence of a property interest in the dwelling unit; **or**
  - (d) **Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no**



**property interest in the dwelling unit;**

(3) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased or rented by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief [under] **pursuant to** this section by reason of the absence of a property interest in the dwelling unit; **or**

**(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit.**

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair [his] **the child's** emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo, whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo."; and

Further amend said title and enacting clause accordingly.

On motion of Representative Campbell, **House Amendment No. 9** was adopted.

Representative Pouche offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 47, Section 453.072, Line 5 of said page, by inserting after all of said line the following:

"455.035. 1. Upon the filing of a verified petition [under] **pursuant to** sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of abuse to the petitioner shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall [be in effect until the time of the hearing.] **take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion.**

**2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. Furthermore, the penalty provided by subsection 7 of section 455.085 shall not apply to any person who has not been served with an ex parte order of protection.**

455.040. 1. Not later than fifteen days after the filing of a petition [under] **pursuant to** sections 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be [personally] served upon the respondent [by personal process server] as provided by law or by any sheriff or police officer at least three days prior to such hearing. Such **notice** shall be served at the earliest time, and service of such **notice** shall take priority over service in other actions, except those of a similar emergency nature. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at [his] **the respondent's** last known address. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall enter information contained in the order for purposes of verification within twenty-four hours from the time the order is granted. A notice of expiration or of termination of any order of protection shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Pouche, **House Amendment No. 10** was adopted.

Representative Ransdall offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 81, Section 494.455, Line 22, by inserting after said line the following:

"494.485. If in any case to be tried before a jury it appears to the court to be appropriate, the court may direct that [not more than four] **a number of** jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors, in the order in which they are called, shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be selected in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the principal jurors. Alternate jurors who do not replace principal jurors shall be discharged after the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law [if one or] **for each** two alternate jurors [are] to be impaneled [and two peremptory challenges if three or four alternate jurors are to be impaneled]. The additional peremptory challenge may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against the alternates."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Ransdall, **House Amendment No. 11** was adopted.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Ford Franklin Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Monaco

Murray O'Connor O'Toole Overschmidt Parker

Ransdall Relford Riley Rizzo Scheve

Schilling Seigfreid Selby Shelton Skaggs

Smith Stokan Thompson 37 Thompson 72 Treadway

Troupe Van Zandt Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 073

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkstresser Black Blunt

Boatright Burton Champion Chrismer Cierpiot



Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Holand Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Loudon Luetkemeyer  
Marble McClelland Merideth Miller Murphy  
Myers Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Richardson  
Robirds Ross Sallee Schwab Scott  
Secrest Shields Summers Surface Townley  
Tudor Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Long Naeger Reynolds Ridgeway

VACANCIES: 002

On motion of Representative May (108), **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, was adopted.

On motion of Representative May (108), **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, was read the third time and passed by the following vote:

AYES: 142

Abel Akin Barnett Barry 100 Bartle  
Bennett Berkowitz Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Lograsso Long Loudon Luetkemeyer Luetkenhaus



Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Ross Sallee Scheve Schilling  
Schwab Seigfreid Selby Shelton Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Van Zandt Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 016

Alter Auer Backer Ballard Bartelsmeyer  
Berkstresser Dolan Gross Hohulin Linton  
Robirds Secrest Shields Townley Tudor  
Vogel

PRESENT: 000

ABSENT WITH LEAVE: 003

Naeger Ridgeway Scott

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 089

Alter Auer Ballard Bennett Berkowitz  
Berkstresser Blunt Boucher Bray 84 Burton  
Champion Chrismer Cierpiot Clayton Crawford  
Crump Daniel Davis 63 Dolan Evans  
Farnen Ford Foster Froelker Gaskill  
George Gibbons Graham 106 Graham 24 Green  
Gross Hagan-Harrell Hampton Hartzler 123 Hartzler 124  
Hegeman Hickey Holand Hoppe Hosmer  
Kasten Kelly 27 Kennedy Kissell Klindt  
Koller Kreider Lawson Leake Legan  
Levin Liese Long Luetkemeyer Luetkenhaus

McClelland McKenna Murphy Murray Nordwald  
O'Connor O'Toole Overschmidt Parker Patek  
Pouche Pryor Ransdall Reid Reinhart  
Reynolds Robirds Ross Schwab Selby  
Shelton Shields Skaggs Smith Summers  
Surface Thompson 37 Townley Treadway Troupe  
Vogel Wagner Ward Wiggins

NOES: 070

Abel Akin Backer Barnett Barry 100  
Bartelsmeyer Bartle Black Boatright Bonner  
Britt Campbell Carter Davis 122 Days  
Dougherty Elliott Enz Fitzwater Foley  
Franklin Fraser Gambaro Gratz Griesheimer  
Gunn Hanaway Harlan Hendrickson Hilgemann  
Hohulin Hollingsworth Howerton Kelley 47 King  
Lakin Linton Lograsso Loudon Marble  
May 108 Mays 50 McBride McLuckie Merideth  
Miller Monaco Myers Naeger Ostmann  
Purgason Relford Richardson Riley Rizzo  
Sallee Scheve Schilling Scott Secrest  
Seigfreid Stokan Thompson 72 Tudor Van Zandt  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 002

Boykins Ridgeway

VACANCIES: 002

On motion of Representative Parker, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Riback Wilson moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SBs 387, 206 & 131**, relating to public assistance programs, was taken up by Representative Gunn.

Representative Gunn offered **HS HCS SCS SBs 387, 206 & 131**.

Representative Gunn offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 10, Section 208.040, Line 16, by deleting lines beginning on line 16 with the word "assistance" through line 19 ending with the period after the word "funds"; delete all said language. Insert the following language on line 16 after the word "working": **Once the individual has received the two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds disregard until the individual has not received temporary assistance benefits for twelve consecutive months.**

On motion of Representative Gunn, **House Amendment No. 1** was adopted.

Representative Gambaro offered **House Amendment No. 2.**

Representative Troupe raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Fraser offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Section 210.170, Page 26, by inserting after said section:

"475.035. 1. The venue for the appointment of a guardian or conservator shall be:

(1) In the county in this state where the minor or alleged incapacitated or disabled person is domiciled; or

(2) If the minor or alleged incapacitated or disabled person has no domicile in this state, then in the county in which the minor or alleged incapacitated or disabled person actually resides, or if he **or she** does not reside in any county, then in any county wherein there is any property of the minor or alleged incapacitated or disabled person; or

(3) In the county, or on any federal reservation within the county, wherein the minor or alleged incapacitated or disabled person or his or her property is found; **or**

**(4) In a county of this state which is within a judicial circuit which has prior and continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section 211.031, RSMo.**

2. If the alleged incapacitated or disabled person has resided in a county other than the county of his or her domicile for more than one year, the court of that county may assume venue for the purpose of appointment of a guardian or conservator.

3. If proceedings are commenced in more than one county, they shall be stayed except in the county where first commenced until final determination of venue in the county where first commenced. The proceeding is deemed commenced by the filing of a petition; and the proceeding first legally commenced to appoint a conservator of the estate extends to all of the property of the protectee in this state."; and

Further amend title and enacting clause accordingly.

Representative Froelker raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Fraser, **House Amendment No. 2** was adopted.

Representative Gross offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 14, Section 208.071, Line 17, by inserting after all of said line the following:

"210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

- (1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
- (2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;
- (3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

**2. The department of social services shall fund only regional child assessment centers known as:**

- (1) The St. Louis City child assessment center;**
- (2) The St. Louis County child assessment center;**
- (3) The Jackson County child assessment center;**
- (4) The Buchanan County child assessment center;**
- (5) The Greene County child assessment center;**
- (6) The Boone County child assessment center;**
- (7) The Joplin child assessment center; and**
- (8) The St. Charles County child assessment center."; and**

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Amendment No. 3** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Gross, **House Amendment No. 3** was adopted.

Representative Boucher offered **House Amendment No. 4.**

Representative Monaco raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hanaway offered **House Amendment No. 4.**

Representative Monaco raised a point of order that **House Amendment No. 4** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative McClelland offered **House Amendment No. 4.**

*House Amendment No. 4*



AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 1, Section A, Line 16, by inserting after all of said line the following:

"167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for [three or more] children whose parents or guardians do not reside in the district in which the institution is located shall have [no] authority to enroll such children in a program in the district or special district in which the institution is located [unless the institution contracts for such services and pays the actual per pupil cost for such services or unless such children are assigned pursuant to subsection 1 of this section] **and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.**

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district [by the department of mental health, the department of social services or the court]. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included as an "eligible pupil", as defined under section 163.011, RSMo, of the district providing the educational services for the child.

**9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education.**

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the

superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular program of instruction** if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

(a) First degree murder under section 565.020, RSMo;

(b) Second degree murder under section 565.021, RSMo;

(c) First degree assault under section 565.050, RSMo;

(d) Forcible rape under section 566.030, RSMo;

(e) Forcible sodomy under section 566.060, RSMo;

(f) Robbery in the first degree under section 569.020, RSMo;

(g) Distribution of drugs to a minor under section 195.212, RSMo;

(h) Arson in the first degree under section 569.040, RSMo;

(i) Kidnapping, when classified as a class A felony under section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted

in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative McClelland, **House Amendment No. 4** was adopted.

Representative Legan offered **House Amendment No. 5**.

Representative Gunn raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kennedy offered **House Amendment No. 5**.

Representative Monaco raised a point of order that **House Amendment No. 5** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Pouche offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 33, Section 620.1560, Lines 11-12, by striking the following words:

**", and does not include any placement agency or temporary help service organization".**

Representative Pouche moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Abel Backer Barry 100 Berkowitz Bonner

Boucher Boykins Bray 84 Britt Campbell

Carter Clayton Crump Daniel Davis 122

Davis 63 Days Dougherty Farnen Fitzwater

Foley Ford Franklin Fraser Gambaro

George Graham 24 Gratz Green Gross

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin



Lawson Leake Liese Luetkenhaus May 108  
Mays 50 McBride McKenna McLuckie Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Thompson 72  
Treadway Troupe Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 072

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Howerton Kasten  
Kelley 47 King Klindt Legan Levin  
Lograsso Long Loudon Luetkemeyer McClelland  
Merideth Miller Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reid Reinhart Richardson Robirds  
Ross Sallee Schwab Scott Secrest  
Shields Summers Surface Townley Tudor  
Vogel Wright

PRESENT: 001

Auer

ABSENT WITH LEAVE: 003

Linton Marble Ridgeway

VACANCIES: 002

On motion of Representative Gunn, **HS HCS SCS SBs 387, 206 & 131, as amended**, was adopted by the following vote:

AYES: 127

Abel Akin Alter Backer Barry 100  
Bartle Bennett Berkowitz Black Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Chrismer Clayton Crump  
Daniel Davis 122 Davis 63 Days Dougherty



Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hegeman Hendrickson Hickey Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 King Kissell Klindt Kreider  
Lakin Lawson Leake Levin Liese  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Miller Monaco Murphy Murray  
Myers Naeger O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Ransdall Reinhart  
Relford Richardson Riley Rizzo Ross  
Sallee Scheve Schilling Schwab Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 159  
Wilson Mr. Speaker

NOES: 024

Auer Ballard Bartelsmeyer Berkstresser Blunt  
Boatright Champion Cierpiot Crawford Elliott  
Gambaro Hartzler 124 Hohulin Kennedy Legan  
Nordwald Pryor Purgason Reid Reynolds  
Robirds Scott Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnett Dolan Hilgemann Koller Linton  
Marble Merideth Pouche Ridgeway Williams 121

VACANCIES: 002

On motion of Representative Gunn, **HS HCS SCS SBs 387, 206 & 131, as amended**, was read the third time and passed by the following vote:

AYES: 135

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartle Bennett Berkowitz

Black Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hampton Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Long Loudon Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Riley Rizzo Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Surface Thompson 37 Thompson 72  
Treadway Troupe Tudor Van Zandt Wagner  
Ward Wiggins Williams 159 Wilson Mr. Speaker

NOES: 019

Ballard Berkstresser Blunt Boatright Crawford  
Foster Hanaway Hartzler 124 Hohulin King  
Linton Nordwald Pouche Pryor Purgason  
Robirds Summers Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer Hagan-Harrell Lograsso Marble Ridgeway  
Vogel Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Murray moved that the vote by which the bill passed be reconsidered.

Representative Troupe moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL - INFORMAL

**HCS SS SCS SBs 14, 60 & 69**, relating to tax relief for senior citizens, was taken up by Representative Scheve.

Representative Scheve offered **HS HCS SS SCS SBs 14, 60 & 69**.

Representative Hollingsworth offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 14, 60 & 69, Page 1, Section 1, Line 12 of said page, by inserting after the word "**hundred**" the word "**fifty**"; and

Further amend said bill, Page 2, Section 1, Lines 7 and 8 of said page, by deleting the phrase "**one dollar for every dollar**" and inserting in lieu thereof the phrase "**three dollars for every two hundred dollars**".

Representative Patek offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 14, 60 & 69, Page 1, Section 1, Line 12 of said page, by inserting after the word "**of**" the word "**two**"; and delete the word "one" after said word; and

Further amend said bill, Page 2, Section 1, Lines 7 and 8 of said page, by deleting the phrase "**one dollar for every dollar**" and inserting in lieu thereof the phrase "**three dollars for every two hundred dollars**".

On motion of Representative Patek, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Mays 50 Ridgeway Sallee Wiggins

VACANCIES: 002

Representative Foley offered **House Amendment No. 2.**

Representative Scheve raised a point of order that **House Amendment No. 2** is not properly drafted and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kissell offered **House Amendment No. 2.**

Representative Scheve raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.



Representative Boucher offered **House Amendment No. 2**.

Representative Scheve raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gambaro offered **House Amendment No. 2**.

Representative Scheve raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gaskill offered **House Amendment No. 2**.

Representative Clayton raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Wright offered **House Amendment No. 2**.

Representative Clayton raised a point of order that **House Amendment No. 2** is not germane to the House Substitute.

The Chair ruled the point of order well taken.

On motion of Representative Scheve, **HS HCS SS SCS SBs 14, 60 & 69, as amended**, was adopted.

On motion of Representative Scheve, **HS HCS SS SCS SBs 14, 60 & 69, as amended**, was read the third time and passed by the following vote:

AYES: 154

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long  
Loudon Luetkemeyer Luetkenhaus May 108 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Overschmidt Parker  
Patek Pryor Purgason Ransdall Reid  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Dolan Lograsso Marble Mays 50 Ostmann  
Pouche Ridgeway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Berkowitz moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following conference committee to act with a like committee from the House on **HS HCS SB 20, as amended**.  
Senators: Goode, Bentley, Flotron, Maxwell and Schneider.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SCS SB 498, as amended**, and has taken up and passed **HS SCS SB 498, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HCS HB 793**, entitled:

An act to repeal sections 313.805, 313.807, 313.812, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Amendment No. 2, Senate Amendment No. 2, as amended, Senate Amendment No. 1 to Senate Substitute Amendment No. 3 for Senate Amendment No. 3, Senate Substitute Amendment No. 3 for Senate Amendment No. 3, as amended, Senate Amendment No. 4, Senate Amendment No. 6 and Senate Amendment No. 8.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 31, Section 1, Line 8 of said page, by striking the word "personal"; and

Further amend said bill, Page 35, Section 3, Lines 6-8 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"(2) Licensees".**

*Senate Substitute Amendment No. 1*

for

*Senate Amendment No. 1*

to

*Senate Amendment No. 2*

AMEND Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 3, by deleting the bracket at the beginning of subsection 6 and inserting after the "2" in the last line the following "005[".

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 1, Section A, Line 6, by inserting immediately after said line the following:

"313.270. 1. The director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.200 to 313.350, including procurements which integrate functions such as lottery game design, supply of goods and services, and advertising. The lottery commission by approved rule may purchase goods made in the state of Missouri to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded to lottery contractors or lottery vendors on the basis of lowest and best bid on an evaluated basis in order to maximize revenues to the lottery fund. The director may also utilize state purchasing procedures. The director shall award at least ten percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to minority business enterprises as defined by the office of administration and shall award at least five percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to women business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

2. Any contract awarded to any lottery contractor or vendor shall provide that such contractor or vendor shall award a minimum of ten percent of his subcontracted business to minority business enterprises as defined by the office of administration and shall award a minimum of five percent of his subcontracted business to women business enterprises as defined by the office of administration. This section shall not apply to multistate lottery.

3. Any lottery vendor which enters into a contract to supply lottery materials, services or equipment for use in the operation of the state lottery shall first disclose such information as the commission may require, by rule and regulation, concerning the selection of lottery vendors.

4. The costs of any investigation into the background of the applicant seeking a contract shall be assessed against the applicant and shall be paid by the applicant at the time of billing by the state.

5. Performance bonds shall be posted by each contractor with the commission with a surety acceptable to the commission in an amount as may be required by the commission, but not to exceed the expected total value of the contract. The contract of any lottery contractor who does not comply with such requirements may be terminated by the commission. The commission may terminate the contract of any lottery vendor who:

- (1) Is convicted of any felony;
- (2) Is convicted of any gambling-related offense;
- (3) Is convicted of any crime involving fraud or misrepresentation;
- (4) Fails to comply with the rules and regulations of the commission existing at the time the contract was entered into; or
- (5) Fails to periodically update any disclosure requirements.

[6. The provisions in this section requiring that certain percentages of lottery contracts and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial minorities shall expire on January 1, 2000.]; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*

to

*Senate Substitute Amendment No. 3*

for

*Senate Amendment No. 3*

AMEND Senate Substitute Amendment No. 3 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, by inserting at the end of the last line: "except that the value may also not exceed four times the value of the play for players under the age of 16 years".

*Senate Substitute Amendment No. 3*

for

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 2, by deleting the complete sentences on line 2 through 5 and lines 24 through 2 of page 28 and inserting in lieu thereof the following:

**"No amusement device, as described in section 572.010, RSMo, that is operating in this state shall allow the wholesale value of any prize for a single play to exceed the amount of the value of a single play of the amusement device or five dollars whichever is greater, nor shall the value of any prize for multiple plays exceed the cumulative value of play of the amusement device or two hundred fifty dollars, whichever is lesser; and such prizes shall not thereafter be sold or transferred for cash or any other consideration."**

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 39, Section 7, Line 15 of said page, by inserting immediately after said line the following:

**"Section 8. Each owner or operator of a game or amusement redemption device as described in this act may place on such game or amusement redemption device prior to commencement of its commercial operation a seal or sticker, displaying the name, address, and phone number of the owner or operator, the date on which the seal or sticker was placed on the game or amusement redemption device, and the date on which the game or amusement redemption device was last serviced or repaired. The owner or operator may file, with the Missouri gaming commission, a bond in the amount of ten thousand dollars. In the event that any agent or employee of the Missouri gaming commission, or any law enforcement person, determines that such a seal or sticker has been placed on a machine which does not meet the definition of game or amusement redemption device as described in this act, the Missouri gaming commission shall apply to the appropriate circuit court for forfeiture of the bond and for suspension or revocation of the business license under which the owner or operator is conducting business. Any machine displaying a seal shall not be subject to seizure, unless it is determined that the machine is a type of device not permitted by this Act.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*



AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 35, Section 3, Line 18 of said page, by adding at the end of said line the following: "An amount equal to at least fifty percent of the gross receipts from any raffle shall be awarded as prizes unless all the prizes are donated and unless the tickets note that there is no limit on the number of tickets that may be sold."

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Section 313.812, Page 17, Line 4, by inserting after all of said line the following:

"313.815. A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. **The bond or other form of surety shall also be used to guarantee the completion of any expansion or modification of a gambling boat in a time period approved by the commission, which shall not exceed three years from the date of approval of the expansion or modification. Failure to complete an approved expansion or modification of a gambling boat within the three-year period shall be considered sufficient grounds for not renewing the license for that gambling boat.** The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SBs 160 & 82, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HS HCS SB 20, as amended**, and has taken up and passed **CCS#2 HS HCS SB 20**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HCS HB 490 & HCS HB 308, as amended**, and has taken up and passed **CCS SS SCS HCS HB 490 & HCS HB 308**.

Emergency clause defeated.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 603, 722 & 783**, entitled:

An act to repeal section 260.209, RSMo 1994, and sections 34.040, 260.205, 260.273, 260.330 and 319.131, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof eight new sections relating to the same subject.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 6.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 603, 722 & 783, Pages 19-20, Section 2, Lines 1-8, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 603, 722 & 783, Page 15, Section 260.330, Line 48, by striking all of said line and inserting in lieu thereof the following: **"area may designate, pursuant to this section, up to two free disposal days during each"**; and further amend line 49, by striking "each" and inserting in lieu thereof the following: **"any such"**; and further amend line 52, by striking "the" and inserting in lieu thereof the following: **"any"**; and further amend line 53, by striking "days" and inserting in lieu thereof the following: **"day"**; and further amend line 55, by striking the following: "Only one free disposal day shall be"; and further amend line 56, by striking all of said line.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 603, 722 & 783, Page 20, Section 2, Line 8, by inserting immediately thereafter, the following:

"Section 3. 1. The director of the department of natural resources is hereby authorized and empowered to grant, bargain, sell and convey by quit claim deed to the highest competitive bidder or bidders a certain portion or portions of Lake of the Parks State park, Camden County, Missouri. Missouri department of transportation roadway development of new United States Highway 54 (MoDOT Job No. J5P0309B) will negatively impact and sever approximately thirty-four acres of wooded, undeveloped parkland. The department of natural resources desires to market and sell the severed property and mitigate, in accordance with national Park Service parameters, the loss of such parkland through the purchase of inholding or adjoining properties. The property to be sold and conveyed by the director of the department of natural resources is more particularly described as follows:

PART OF GOVERNMENT LOT 1 AND GOVERNMENT LOT 2 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 15 WEST, CAMDEN COUNTY, MISSOURI COMPRISING THAT PORTION OF STATE PARKLAND SITUATE BETWEEN EXISTING U.S. HIGHWAY 54 AND PROPOSED NEW U.S. HIGHWAY 54.

2. The attorney general shall approve the form of the instrument or instruments of conveyance."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 603, 722 & 783, Page 20, Section 2, Line 8, by inserting after all of said line the following:

**"Section 3. Notwithstanding the provisions of section 319.100, RSMo, and subdivision (1) of subsection 3 of section 319.131, RSMo, the fund shall provide moneys for cleanup of contamination caused by the releases from piping or related equipment of a petroleum storage tank with a capacity of five thousand gallons or less when such retailer is the sole provider of retail fuels within a five mile area. The costs of the cleanup must be incurred after April 1, 1999, and prior to April 1, 2000. The retailer must make application for participation in the fund by August 28, 1999."**; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 603, 722 & 783, Page 15, Section 260.330, Line 56, by inserting immediately after said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census[, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested **annually** to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection**



**1 of section 307.350 and those exempted pursuant to this section.**

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]
- (7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law[.]; **and**

**(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who has chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, and who has completed an emission inspection pursuant to section 643.315, RSMo; and**

**(9) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved; provided that, for any motor vehicle exempted pursuant to this subdivision, the purchaser may return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the motor vehicle inspected and approved without the option for a waiver of the emissions standards and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, and provided that, the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or to enter into any mutually acceptable agreement with the seller.**

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official [safety and] emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official [safety and] emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official [safety and] emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

- (1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and
- (2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each [safety and] emissions inspection station located in any city or county described in subsection 1 of this section shall

purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, [safety and] emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official [safety and] emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official [safety and] emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, **except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.**

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually [during the month of August or], **but the inspection of the vehicle shall not be made more than sixty days** prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe to determine that it does not protrude from the bus;
- (7) The emergency [door] **doors and exits** to determine [that it is] **them to be** unlocked and easily opened as required;
- (8) The lettering and signing on the front, side, and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary



education and shall include, as a minimum, items in subsection 1 and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles.

3. If, upon inspection, conditions which violate the standards in subsection 2 are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 shall be applicable.

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

**2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.";** and

Further amend said bill, page 19, section 319.131, line 149, by inserting immediately after said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, **except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such county who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo**, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305. The commission shall ensure that, for each nonattainment area, the state implementation plan established [under] **pursuant to** subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established [under] **pursuant to** subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated [under] **pursuant to** this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission [under] **pursuant to** this section in lieu of the provisions of section 307.366, RSMo.

**2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.**

[2.] **3. (1)** The department [shall contract with one or more persons to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355.

3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.], **with the cooperation**

and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section.

6. With approval of the commission and [under] **pursuant to** rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and [under] **pursuant to** rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established [under] **pursuant to** this subsection shall be performed by a contractor selected by the commission [under] **pursuant to** this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer system emission inspection equipment used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions



inspection program has been established [under] **pursuant to** sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, **which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo**, shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

- (1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or
- (2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;
- (3) Model year vehicles prior to 1971;
- (4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;
- (5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and
- (6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section [301.250] **301.550**, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

- (a) With prior inspection and approval as provided in subdivision (2) of this subsection; or
- (b) Without prior inspection and approval as provided in subdivision (3) of this subsection[.].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections

643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade or the purchaser and dealer may enter into any other mutually acceptable agreement]. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, [or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established [under] **pursuant to** subsection 2 of this section shall be an affidavit requiring:

- (1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and
- (2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the [repair] **parts, repairs** and adjustment work performed is equal to or greater than the waiver amount established by the commission. **Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.**

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

- (1) [Five dollars for any person who is required to wait more than fifteen minutes before the inspection begins;
- (2)] Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and
- [(3)] **(2)** Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

3. The fee shall be conspicuously posted on the premises of each emissions inspection station.



4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.

5. The contractor shall remit the portion of fees collected, as established by the commission [under] **pursuant to** this section, to the director of revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 **by the department of natural resources, the Missouri highway patrol, and other appropriate agencies**. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.

6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.

643.355. 1. Any person who knowingly misrepresents himself **or herself** as an official emissions inspection station [shall be] **or an inspector or a recognized repair technician is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of an infraction.

4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

5. Any person who knowingly operates a motor vehicle required to be inspected and approved [under] **pursuant to** sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required [under] **pursuant to** section 643.315 [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 [shall be] **is** guilty of an infraction.

7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 [shall be] **is** subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 603, 722 & 783, Page 2-3, Section 34.040, Lines 46-48, by striking all of said lines and inserting in lieu thereof the following: "**section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 19, Section 1, Lines 4-6, by striking all of said lines and inserting in lieu thereof the following: "**implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HB 191**, entitled:

An act to repeal section 630.003, RSMo 1994, and sections 191.656, 376.779 and 376.811, RSMo Supp. 1998, relating to health services, and to enact in lieu thereof fourteen new sections relating to the same subject, with an expiration date for certain sections.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 2 and Senate Amendment No. 3.

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 2*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, Page 24, Section 376.835, Line 15, by inserting after all of said line the following:

**"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use standardized information for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, short-term major medical policies of six months or less duration, other limited benefit health insurance policies.**

**2. The standardized information shall contain the following:**

- (1) The name of the insured;**
- (2) The insured's identification number;**
- (3) The date of service;**
- (4) Amount of charge;**
- (5) Explanation for any denial;**
- (6) The amount paid;**
- (7) The patient's full name;**
- (8) The name and address of the insurer; and**
- (9) The phone number to contact for questions on explanation of benefits.**

**3. All health insurance carriers shall use the standard explanation of benefits information after January 1, 2002.**

**376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use standardized information for referrals. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to such terms in section 376.1350.**

**2. The referral information shall contain the following:**

- (1) The name of the insured;**
- (2) The name, address and phone number of the health carrier;**
- (3) The identification number and group number of the insured;**
- (4) The type of referral;**
- (5) The name, address and phone number of the health care provider referring the insured;**
- (6) The name, address and phone number of the health care provider to whom the insured was referred to;**
- (7) The number of visits requested and authorized; and**
- (8) The health carrier's authorization number.**

**3. All health care providers and health carriers shall use the standardized referral information after January 1, 2002.";**  
and

Further amend title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, Pages 24-29, Section 630.003, by striking the entire section from the bill; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 316, 660 & 203**, entitled:

An act to repeal sections 198.070, 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, and section 198.067, RSMo Supp. 1998, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof ten new sections relating to the same subject.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 25, Line 11, by inserting after all of said line the following:

**"Section 5. For any residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility, if the department of social services maintains records of site inspections and violations of statutes, rules, or the terms or conditions of any license issued to such facility, the department shall also maintain records of compliance with such statutes, rules, or terms or conditions of any license, and shall specifically record in such records any actions taken by the facility that are above and beyond what is minimally required for compliance.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 316, 660 & 203, Pages 21-23, Sections 3-4, by deleting said sections; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 25, Section 5, Line 11, by inserting after all of said line the following:

**"Section 6. For purposes of sections 3 to 13 of this act, the following terms mean:**

**(1) "Bedding", any mattress, box springs, foundation or studio couch made, in whole or part of, new or secondhand fabric, filling materials, or other materials, which can be used for sleeping or reclining purposes. The term bedding does not include any component from which bedding is made;**

**(2) "Department", the department of health;**

**(3) "Director", director of the department of health;**

**(4) "Manufacture", the making of bedding out of new material;**

**(5) "New material", any fabric, filling material, other material or article of bedding that has not been previously used for any purpose, including by-products of any textile or manufacturing process that are free from dirt, insects and**



other contamination;

(6) "Person", an individual, sole proprietorship, partnership, limited liability company, corporation, joint venture, association, trust and any other entity and the agents, servants and employees of any of them;

(7) "Renovator", a person that repairs, makes over, recovers, restores, sanitizes, germicidally treats, cleans or renews bedding;

(8) "Sanitizer", a person that sanitizes, germicidally treats or cleans, but does not otherwise alter, any fabric, filling material, other materials, or article of bedding for use in manufacturing or renovating bedding;

(9) "Secondhand material", any fabric, filling material, other material, or article of bedding that has been previously used for any purpose or is derived from post-consumer or industrial waste and that may be used in place of new material in manufacturing or renovating bedding;

(10) "Seller", includes a person that offers or exposes for sale, barter, trades, delivers, consigns, leases, possesses with intent to sell, or disposes of bedding in any commercial manner at the wholesale, retail or other level of trade.

Section 4. 1. All bedding manufactured, renovated, sanitized or sold within the state shall bear a clear and conspicuous label that explicitly states whether the bedding is made from all new materials, or is made in whole or in part from secondhand materials. The label on bedding made from all new materials shall be white in color and shall state "ALL NEW MATERIAL" and the label on bedding made in whole, or in part, from secondhand materials shall be yellow in color and shall state "SECONDHAND MATERIALS". Such labels shall also comply with rules issued by the department regarding label dimension, format, informational content, wording, letter size, material, means of placement and affixing to the bedding, and other relevant factors.

2. A person may not remove, deface or alter in whole, or part, a label or any statement on a label to defeat the provisions of sections 3 to 13 of this act.

3. Labels required by sections 3 to 13 of this act shall be permanently affixed.

4. No person may make a false or misleading statement on any label required pursuant to sections 3 to 13 of this act.

Section 5. 1. The director of the department of health shall approve the form and size of labels, the fabric of which the labels are made and the wording and statements on such labels, provided for in sections 3 to 13 of this act.

2. Labels required pursuant to sections 3 to 13 of this act shall be securely attached to the article of bedding or such filling material at the site of the manufacturer, in a conspicuous place where the label can be easily examined.

3. Labels required by sections 3 to 13 of this act shall have printing only on one side. No advertising matter may be placed on any label or any other printed matter not required by the provisions of sections 3 to 13 of this act.

Section 6. The contents and uses and percentage of filling materials used in articles of bedding and in bulk form which is either concealed or not concealed shall be stated on the label. Percentages shall be computed on the basis of avoirdupois weight of the filling material present and shall be designated on the label in order of predominance with the component with the largest content listed first.

Section 7. The following statements and headings shall be shown on labels:

(1) "UNDER PENALTY OF LAW THIS TAG SHALL NOT BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label;

(2) Headings shall read "All New Material" when the material is wholly new; "Secondhand Material" when the material, in whole or in part, has been used for another purpose before being incorporated into the article or material;

(3) Description of filling material as provided in the applicable regulations;

(4) The registry number assigned or approved by the department of health;

(5) Certification is made by the manufacturer that the materials in this article are described in accordance with law;

(6) For renovated articles, the name and address of the owner;

(7) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.

Section 8. The department of health may establish grades, specifications and tolerances for the kinds and qualities of materials which are used or intended to be used in the manufacture, repair or renovation of used bedding or used filling materials and may approve or adopt designations and rules which are not in conflict with any provisions of sections 3 to 13 of this act, for the labeling of articles filled, with such materials.

Section 9. The repairer or renovator of any bedding which is subsequently sold shall affix the previously used material label, which shall be attached to the article before delivery to the owner.

Section 10. 1. Each bedding manufacturer, renovator or sanitizer shall register with and obtain an initial permit and



permit number from the department, which permit shall be renewed annually.

2. Upon timely request by an applicant for an initial permit, the department shall recognize a valid registry, license, permit or factory number issued by another state or jurisdiction, provided that, the applicant complies with all requirements established by the department for issuance of a permit number in this state.

3. The department shall set fees for each class of initial and annual renewal permits, including, but not limited to, manufacturers, renovators and sanitizers in amounts that are reasonable and necessary to defray, but shall not substantially exceed, the cost of administering sections 3 to 13 of this act.

**Section 11.** 1. The department may, at its discretion, randomly conduct bedding and materials product tests and inspections of the premises of any bedding manufacturer, renovator or sanitizer for the purpose of determining whether such person complies with the provisions of sections 3 to 13 of this act and the department's rules adopted pursuant to sections 3 to 13 of this act.

2. If the department finds probable cause to believe that an article of bedding violates any provisions of sections 3 to 13 of this act, it may, as appropriate under the circumstances, embargo, remove, recall, condemn, destroy or otherwise dispose of bedding found to violate any provisions of sections 3 to 13 of this act.

3. The department may deny, suspend or revoke an initial or renewal permit of any person that violates any provision of sections 3 to 13 of this act. Each day of a continuing violation constitutes a separate violation. Any person who violates any provision of sections 3 to 13 of this act is guilty of a class A misdemeanor. The court may order restitution in addition to any other penalty provided in sections 3 to 13 of this act.

4. The department may petition for a temporary restraining order to restrain a continuing violation of sections 3 to 13 of this act or a threat of a continuing violation of sections 3 to 13 of this act, provided such violation or threatened violation creates an immediate threat to the public's health and safety.

5. A manufacturer, renovator or seller that knowingly attaches to bedding, or sells bedding bearing, a label stating that the product is made from all new materials, and has actual knowledge or reason to believe or suspect that such bedding is made in whole, or in part, from secondhand materials is guilty of a class A misdemeanor. Each bedding product that is found to be falsely labeled in this respect constitutes a separate violation.

**Section 12.** 1. The department may adopt all rules necessary to implement sections 3 to 13 of this act, including rules regarding:

(1) Mandatory label dimensions, format, informational content, including the name, address and permit number of the manufacturer, renovator or sanitizer, working, letter size, material, placement and affixing specifications and other relevant requirements;

(2) The procedures and requirements for the application, issuance, renewal, denial, suspension and revocation of each class of permit, including, but not limited to, manufacturers, renovators, sanitizers and sellers;

(3) Adequate notice and opportunity for hearing for persons potentially subject to denial, suspension or revocation; and

(4) Any other substantive, interpretative or procedural rules necessary to implement sections 3 to 13 of this act.

2. In setting standards and procedures pursuant to sections 3 to 13 of this act, including those to protect the public's health and safety, the department may issue rules incorporating by reference uniform standards, norms or testing procedures that are issued, promulgated or accepted by recognized government, public or industry organizations.

**Section 13.** 1. Bedding may not be manufactured in whole, or in part, from any secondhand material unless such material has been sanitized, germicidally treated or cleaned by a method approved by the department.

2. All bedding containing material that is sanitized, germicidally treated or cleaned in accordance with subsection 1 of this section shall bear a clear and conspicuous label that states:

**"THIS BEDDING CONTAINS PREVIOUSLY USED MATERIALS WHICH HAVE BEEN CLEANED AND SANITIZED IN A REASONABLE MANNER TO KILL GERMS AND INSECTS AND TO PREVENT INFECTION."**

In addition, such label shall state:

(1) The specific methods of sanitizing, germicidal treatment or cleaning applied;

(2) The date on which the article was sanitized, treated or cleaned;

(3) The name, address and permit number of the person applying the sanitizing, treatment or cleaning; and

(4) Specifically which materials or articles have been sanitized, treated or cleaned."; and

Further amend the title and enacting clause accordingly.

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 316, 660 & 203, Page 1, Section A, Line 6 of Section, by inserting after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

- (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;
- (2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;
- (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;
- (4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:
  - (a) That cannot or should not be returned to the home of his or her parents; and
  - (b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;] and
  - (c) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents;]
- (5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, **and before January 1, 2000**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

**2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.**

**3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.**

**4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold.**

135.333. 1. Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

**2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due."; and**

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

#### HOUSE BILL WITH SENATE AMENDMENTS

**SS#2 SCS HB 191, as amended**, relating to health services, was taken up by Representative Dougherty.

Representative Dougherty moved that **SS#2 SCS HB 191, as amended**, be adopted.

Representative Shields made a substitute motion that the House refuse to adopt **SS#2 SCS HB 191, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

The substitute motion to refuse to adopt **SS#2 SCS HB 191, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference, was withdrawn.

Representative Dougherty again moved that **SS#2 SCS HB 191, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 159

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid



Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Lograsso Ridgeway

VACANCIES: 002

On motion of Representative Dougherty, **SS#2 SCS HB 191, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 152

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Chrismer Cierpiot  
Clayton Crawford Crump Daniel Davis 122  
Davis 63 Days Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole



Ostmann Overschmidt Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 001

Auer

ABSENT WITH LEAVE: 008

Champion Dolan Foster Linton Lograsso  
Mays 50 Parker Ridgeway

VACANCIES: 002

Representative Smith declared the bill passed.

On motion of Representative Lawson, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

### THIRD READING OF SENATE BILL

**SCS SB 211**, relating to Missouri Family Trust Fund, was taken up by Representative Riback Wilson.

On motion of Representative Riback Wilson, **SCS SB 211** was truly agreed to and finally passed by the following vote:

AYES: 157

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Loudon Luetkemeyer Luetkenhaus May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murphy Murray  
Myers Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Lograsso Marble Naeger Ridgeway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILL WITH SENATE AMENDMENTS

**SCS HCS HBs 603, 722 & 783**, relating to solid waste laws, was taken up by Representative Wiggins.

Representative Wiggins moved that the House refuse to adopt **SCS HCS HBs 603, 722 & 783** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### CONFERENCE COMMITTEE REPORT NO. 2

ON

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 20

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Bill No. 20, with House Amendments Nos. 1, 2, 3, 4, 5 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 20, as amended;
2. That the Senate recede from its position on Senate Bill No. 20; and
3. That the attached Conference Committee Substitute No. 2 for House Substitute for House Committee Substitute for Senate Bill No. 20, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Mike Schilling /s/ Wayne Goode

/s/ Craig Hosmer /s/ Joe Maxwell

/s/ Vicky Riback Wilson /s/ John Schneider

/s/ Peter Myers /s/ Roseann Bentley

/s/ Cindy Ostmann /s/ Franc Flotron

#### BILL IN CONFERENCE

**CCR#2 HS HCS SB 20, as amended**, relating to community improvement, was taken up by Representative Schilling.

On motion of Representative Schilling, **CCR#2 HS HCS SB 20, as amended**, was adopted by the following vote:

AYES: 148

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dougherty Elliott  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Graham 106 Graham 24  
Gratz Green Griesheimer Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Pouche Pryor  
Purgason Ransdall Reinhart Relford Reynolds  
Richardson Riley Rizzo Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Thompson 72 Treadway Troupe Tudor Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 006

Ballard Gibbons Patek Reid Robirds  
Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Dolan Gross Lograsso Long Naeger  
Ridgeway Van Zandt

VACANCIES: 002

On motion of Representative Schilling, **CCS#2 HS HCS SB 20** was truly agreed to and finally passed by the following vote:



AYES: 147

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Riley

Rizzo Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 37 Thompson 72 Treadway

Troupe Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 006

Ballard Gibbons Patek Reid Robirds

Townley

PRESENT: 000

ABSENT WITH LEAVE: 008

Dolan Gambaro Gaskill George Lograsso

Long Naeger Ridgeway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Harlan, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILL WITH SENATE AMENDMENTS

**SS SCS HS HCS HB 793, as amended**, relating to gaming, was taken up by Representative Treadway.

Representative Treadway moved that the House refuse to adopt **SS SCS HS HCS HB 793, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

#### BILLS CARRYING REQUEST MESSAGE

**HS HCS SS SCS SBs 160 & 82, as amended**, relating to water service, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on **HS HCS SS SCS SBs 160 & 82, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### HOUSE BILLS WITH SENATE AMENDMENTS

**SS SCS HCS HB 267, as amended**, relating to liquor control, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to adopt **SS SCS HCS HB 267, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SS SCS HCS HBs 316, 660 & 205, as amended**, was taken up by Representative Ladd Stokan.

On motion of Representative Ladd Stokan, **SS SCS HCS HBs 316, 660 & 205, as amended**, was adopted by the following vote:

AYES: 112

Akin Alter Backer Barnett Barry 100  
Bartle Bennett Berkowitz Black Bonner  
Boucher Burton Champion Chrismer Cierpiot  
Crawford Davis 122 Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Foster  
Franklin Fraser Froelker Gaskill George  
Gibbons Graham 106 Griesheimer Gross Gunn  
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hilgemann Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Kreider Lakin  
Lawson Leake Legan Levin Loudon  
Luetkemeyer Marble May 108 Mays 50 McKenna  
McLuckie Merideth Miller Monaco Murphy  
Myers Nordwald Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Riley Rizzo Robirds Ross Scheve  
Schilling Schwab Scott Secrest Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 72 Treadway Troupe  
Tudor Van Zandt Vogel Ward Williams 121  
Williams 159 Mr. Speaker

NOES: 037

Abel Ballard Bartelsmeyer Berkstresser Blunt  
Boykins Britt Campbell Carter Crump  
Daniel Davis 63 Days Ford Gambaro  
Graham 24 Gratz Hampton Hanaway Hickey  
Kelly 27 Koller Liese Lograsso McBride  
McClelland Murray O'Connor O'Toole Sallee  
Seigfreid Thompson 37 Townley Wagner Wiggins  
Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Boatright Bray 84 Clayton Dolan  
Green Hohulin Linton Long Luetkenhaus  
Naeger Ridgeway

VACANCIES: 002

On motion of Representative Ladd Stokan, **SS SCS HCS HBs 316, 660 & 205, as amended**, was read the third time and passed by the following vote:

AYES: 131

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Champion Chrismer Cierpiot Clayton Crawford

Crump Davis 122 Days Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kennedy King

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Lograsso Loudon

Luetkemeyer Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murphy Myers Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reid Reinhart Richardson Riley

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Thompson 72 Townley Treadway

Troupe Tudor Van Zandt Vogel Ward

Wiggins Williams 121 Williams 159 Wilson Wright

Mr. Speaker

NOES: 017

Campbell Carter Daniel Davis 63 Graham 24

Gratz Green Hickey Kelly 27 Liese

Murray O'Connor O'Toole Reynolds Seigfreid

Thompson 37 Wagner

PRESENT: 000

ABSENT WITH LEAVE: 013



Bartelsmeyer Bray 84 Dolan Ford Hohulin

Klindt Linton Long Luetkenhaus Naeger

Nordwald Relford Ridgeway

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL

**SS SCS SB 19, with House Committee Amendment No. 1**, relating to motor vehicles, was taken up by Representative Koller.

Representative Koller offered **HS SS SCS SB 19**.

Representative Koller offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 114, Section 303.175, Lines 20 to 25, by striking all of said lines and inserting in lieu thereof the following:

**"303.175. Every private passenger motor vehicle liability policy issued to meet the requirements of this chapter shall have a minimum term of three months. Each policy payment collected by the insurer shall be sufficient to pay for at least one month's coverage under the policy, except that this restriction shall not apply to payments on policies made by way of payroll deductions. This section shall not be construed to interfere with the cancellation and renewal provisions of sections 379.110 to 379.120, RSMo, nor shall it apply to any fleet, rental, group or commercial motor vehicle policy.";** and

Further amend said bill, page 211, section 3.6, line 12, by adding after the word "a" on said line, the words "**negligent or**".

On motion of Representative Koller, **House Amendment No. 1** was adopted.

Representative Carter offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 61, Section 304.159, Line 19 of said page, by deleting the number "**1.**"; and

Further amend said bill, Page 62, Section 304.159, Lines 6 to 13, by deleting all of said lines.

On motion of Representative Carter, **House Amendment No. 2** was adopted.

Representative Gratz offered **House Amendment No. 3**.

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 18, Section 301.190, Line 13, by inserting after all of said lines the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

- (1) Operate any vehicle upon any highway in this state unless the person has a valid license;
- (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;
- (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
- (4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

**3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.** Notwithstanding the provisions of section 302.340, violation of **subdivisions (3) and (4) of subsection 1 of this section** [shall be deemed] is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section [shall be deemed] is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege has been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege has been suspended under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.
5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.
6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.



7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision [(7), (8) or (9)] **(8), (9) or (10)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said bill, Page 97, Section 302.302, Lines 14 to 16, by deleting all of said lines and inserting in lieu thereof the following:

**"(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:**

**(a) For the first conviction.....2 points**

(b) For the second conviction.....4 points

(c) For the third conviction.....6 points

(6) Operating [without a license after suspension or revocation and] **with a suspended or revoked license** prior to restoration of operating privileges [which have been suspended or revoked].....12 points"; and

Further amend said bill, Page 97, Section 302.302, Line 17, by deleting the following: "(6)" and inserting in lieu thereof the following: "[ (6) ] **(7)**"; and

Further amend said bill, Page 97, Section 302.302, Line 18, by deleting the following: "(7)" and inserting in lieu thereof the following: "[ (7) ] **(8)**"; and

Further amend said bill, Page 97, Section 302.302, Line 21, by deleting the following: "(8)" and inserting in lieu thereof the following: "[ (8) ] **(9)**"; and

Further amend said bill, Page 98, Section 302.302, Line 3, by deleting the following: "(9)" and inserting in lieu thereof the following: "[ (9) ] **(10)**"; and

Further amend said bill, Page 98, Section 302.302, Line 8, by deleting the following: "(10)" and inserting in lieu thereof the following: "[ (10) ] **(11)**"; and

Further amend said bill, Page 98, Section 302.302, Line 10, by deleting the following: "(11)" and inserting in lieu thereof the following: "[ (11) ] **(12)**"; and

Further amend said bill, Page 98, Section 302.302, Line 12, by deleting the following: "**(12)**" and inserting in lieu thereof the following: "**(13)**"; and

Further amend said bill, Page 98, Section 302.302, Line 15, by inserting after "2." the following: "**The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.**"

**3.**"; and

Further amend said bill, Page 98, Section 302.302, Line 19, by deleting the following: "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, Page 98, Section 302.302, Line 20, by deleting the following: "(7)" and inserting in lieu thereof the following: "[ (7) ] **(8)**"; and

Further amend said bill, Page 99, Section 302.302, Line 1, by deleting the following: "(7), (8) and (9)" and inserting in lieu thereof the following: "[ (7), (8) and (9) ] **(8), (9) and (10)**"; and

Further amend said bill, Page 99, Section 302.302, Line 3, by deleting the following: "(7), (8) and (9)" and inserting in lieu thereof the following: "[ (7), (8) and (9) ] **(8), (9) and (10)**"; and

Further amend said bill, Page 99, Section 302.302, Line 5, by deleting the following: "4." and inserting in lieu thereof the following: "[4.] **5.**"; and

Further amend said bill, Page 99, Section 302.302, Line 18, by deleting the following: "2" and inserting in lieu thereof the following: "[2] **3**"; and

Further amend said bill, Page 141, Section 302.171, Line 13, by inserting after the word "to" the following: "**driving without a license,**"; and

Further amend said bill, Page 208, Section 3, Line 15, by deleting the word "**may**" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 217, Section 302.321, Line 9, by deleting the word "he" and inserting in lieu thereof the following: "[he] **such person**"; and

Further amend said bill, Page 217, Section 302.321, Line 9, by deleting the word "his" and inserting in lieu thereof the following: "[his] **such person's**"; and

Further amend said bill, Page 217, Section 302.321, Line 11, by deleting the word "under" and inserting in lieu thereof the following: "[under] **pursuant to**"; and

Further amend said bill, Page 217, Section 302.321, Line 12, by deleting the word "his" and inserting in lieu thereof the following: "[his] **such person's**"; and

Further amend said bill, Page 217, Section 302.321, Lines 14 and 15, by deleting all of said lines and inserting in lieu thereof the following:

"2. [Driving while revoked is] **Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or**



**subsequent time of driving while revoked and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked is guilty of a class D felony.** No court shall suspend the imposition of"; and

Further amend said bill, Page 217, Section 302.321, Line 18, by deleting the word "he" and inserting in lieu thereof the following: "[he] **such person**"; and

Further amend said bill, Page 217, Section 302.321, Line 22, by deleting the following: "under the supervision of" and inserting in lieu thereof the following: "[under the supervision of] **which is supervised by**"; and

Further amend said bill, Page 217, Section 302.321, Line 23, by deleting the word "**Driving**"; and

Further amend said bill, Page 217, Section 302.321, Line 24, by deleting all of said line; and

Further amend said bill, Page 218, Section 302.321, Lines 1 and 2, by deleting all of said lines; and

Further amend said bill, by amending the title and enacting clauses accordingly.

On motion of Representative Gratz, **House Amendment No. 3** was adopted.

Representative Dougherty offered **House Amendment No. 4**.

#### *House Amendment No. 4*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 2, Section A, Line 5 of said page, by inserting after all of said line the following:

"82.485. 1. The treasurer of any city not within a county is hereby made and constituted supervisor of parking meters.

2. It shall be the duty of the supervisor of parking meters to install parking meters, collect all parking meter fees, supervise the expenditures for repairs and maintenance, establish and supervise a parking enforcement division and a parking meter division to enforce any statute or ordinances now or hereafter established pertaining to the parking of motor vehicles, including automated zone parking and all other parking functions, and to make all disbursements on any parking contracts, including employment, consulting, legal services, capital improvement and purchase of equipment and real property which may hereafter be made by such cities, subject to audit in the manner provided by state statute.

3. The supervisor of parking meters shall establish and maintain a parking meter fund and any other funds therein which the supervisor of parking meters determines to be necessary, including debt service funds and capital improvement funds for purposes including, but not restricted to, the construction of off-street parking facilities **and supervising and directing the financing of such projects**. The supervisor of parking meters of such city may issue revenue bonds and pledge parking division and other revenues and assets, including real property and future income, for the purpose of capital improvements and debt service. The parking meter fund shall be the sole depository for all parking revenue derived from parking fees, fines, penalties, **administrative costs and booting** or any other revenues derived from the efforts of the employees of the supervisor of parking, including the parking meter division or parking violation enforcement division.

4. The supervisor of the parking meters shall each year submit for approval to the board of aldermen, having first been reviewed by the parking commission, an operating budget projecting revenues and expenses for the fiscal year beginning July 1, 1990, and for each fiscal year thereafter. The parking commission, which shall consist of the supervisor of parking meters as chairperson, the chairperson of the aldermanic traffic committee, the director of streets, the comptroller and the director of the parking meter operations, shall approve parking policy as necessary to control public parking, shall set rates and fees to ensure the successful operation of the parking division, and require a detailed accounting of parking division revenues from any agent or agency, public or private, involved in the collection of parking revenues. The supervisor of parking meters shall draw upon the parking meter fund annually a portion of such fund according to the parking meter division's operating budget to pay any debt obligations, salaries, contracts, expenditures for repairs and maintenance, and make any capital improvements, and a portion of such fund shall at the end of each fiscal year then be transferred to the general fund of the city. The transfer to the general fund shall be no more than forty percent of the parking meter fund's net change in the fund's balance after all payments for capital improvements and debt service have been made.

82.487. 1. The parking commission of any city not within a county shall be the city's authority for overseeing public parking, including planning and coordinating policies, programs and operations for any parking facility or spaces owned in whole or part, leased or managed by the parking division. On behalf of the city, the parking commission shall approve:

(1) Guidelines governing the administrative adjudication, disposition and collection of any parking violations or complaints issued by the city;

(2) Budget modifications for the parking fund, also known as the "parking meter fund"; and

(3) The acquisition, development, regulation and operation of such parking facilities or spaces owned in whole or in part, leased or managed by the parking division.

2. The treasurer of any city not within a county shall be the parking supervisor, also known as the "supervisor of parking

eters", for any parking facility or space owned in whole or part, leased or managed by the city parking division, and by virtue of his office, shall be subject to the oversight and authorized funding in whole or in part, by the parking commission:

- (1) Establish joint public-private parking ventures;
- (2) Supervise the acquisition, development and operation of parking **division properties or facilities owned by title** or funded in whole or in part, leased or managed by the parking division;
- (3) Make and pay contracts and other obligations;
- (4) Supervise any other on-street and off-street parking programs and assets;
- (5) Shall provide the comptroller with monthly reports of all parking revenues collected by the city; and
- (6) Make biannual installment payments of the annual general fund transfer subject to the parking commission's approval and provide the comptroller and treasurer with monthly reports of all parking revenues collected by the city.

3. Nothing in this section shall be construed as limiting or altering the powers and duties of the license collector of the city prescribed in section 82.340, and the exclusive authority to issue licenses and receipts for license taxes shall remain with and be exercised by the license collector.

4. Nothing in this section shall be construed as limiting or altering the powers and duties of the city's collector of revenue as provided in section 52.220, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Dougherty, **House Amendment No. 4** was adopted.

Representative Rizzo offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

**"Section 10. 1. Any motor vehicle owner may receive special license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight as prescribed in this section after an annual payment of an emblem-use authorization fee to a professional sports team which has made an agreement pursuant to subsection 5 of this section. For the purposes of this section a "professional sports team" shall mean an organization located in this state franchised by the National Professional Soccer League, the National Football League, the National Basketball Association, the National Hockey League, the International Hockey League, or the American League or the National League of Major League Baseball or a team playing in Major League Soccer.**

**2. The professional sports team which has made an agreement pursuant to subsection 5 of this section and which receives the emblem-use authorization fee hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. The director of revenue shall not authorize the manufacturer of the material to produce such license plates with the individual seal, logo, or emblem until the department of revenue receives a minimum of one hundred applications for each specific professional sports team.**

**3. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the professional sports team such team shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of other documents which may be required by law, the director shall issue a personalized license plate, which shall bear the official emblem of the professional sports team in a manner determined by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. A fee for the issuance of personalized license plates issued pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section.**

**4. A vehicle owner, who was previously issued a plate with a professional sports team emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the professional sports team emblem, as otherwise provided by law.**

**5. The director of the department of revenue is authorized to make agreements with professional sports teams on behalf of the state which allows the use of any such team's official emblem pursuant to the provisions of this section as consideration for receiving a thirty-five dollar emblem-use contribution.**



6. A professional sports team receiving a thirty-five dollar contribution shall forward such contribution, less an amount not in excess of five percent of the contribution for the costs of administration, to the Jackson County Sports Authority or the St. Louis Regional Convention and Visitors Commission. The moneys shall be administered as follows:

(1) The sports authority may retain not in excess of five percent of all funds forwarded to it pursuant to this section for the costs of administration and shall expend the remaining balance of such funds, after consultation with a professional sports team within the authority's area, on marketing and promoting such team. The amount of money expended from the funds obtained pursuant to this section by the authority per professional sports team shall be in the same proportion to the total funds available to be expended on such team as the proportion of contributions forwarded by the team to the authority is to the total contributions received by the authority;

(2) The regional convention and visitors commission shall hold the revenues received from the professional sports teams in the St. Louis area in separate accounts for each team. Each team may submit an annual marketing plan to the commission. Expenses of a team which are in accordance with the marketing plan shall be reimbursed by the commission as long as moneys are available in the account. The commission may retain not in excess of five percent for the costs of administration. If no marketing plan is submitted by a team, the commission shall market and promote the team.

7. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Rizzo, **House Amendment No. 5** was adopted.

Representative Pryor offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 173, Section 307.365, Line 4 of said page, by inserting after the word "patrol." the following: "**Brakes may be inspected for safety by means of visual inspection or computerized brake testing.**"

On motion of Representative Pryor, **House Amendment No. 6** was adopted.

Representative Selby offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 218, Section I, Line 9 of said page, by inserting after all of said line the following:

"Section J. One new section is enacted, to be known as section 7, to read as follows:

**Section 7. Notwithstanding any other provision of law to the contrary, from April 1, 2000, to April 1, 2001, any person required to obtain a motor vehicle emissions inspection shall have the option to obtain an emissions inspection pursuant to section 307.366, RSMo, which shall be valid for one year, or to obtain an emissions inspection pursuant to section 643.315, RSMo, which shall be valid for two years. The director of the department of revenue shall have the authority to promulgate any rules or regulations necessitated by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.**

Section K. Section J of this act shall become effective on April 1, 2000.".

On motion of Representative Selby, **House Amendment No. 7** was adopted.

Representative Schilling offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 98, Section 302.302, Line 1 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the following: "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 98, Section 302.302, Line 4 of said page, by deleting the word "ten-hundredths" and inserting in lieu thereof the following: "[ten-hundredths] **eight-hundredths**"; and

Further amend said bill, Page 101, Section 302.303, Line 8 of said page, by inserting after all of said line the following:

"302.505. 1. The department shall suspend or revoke the license of any person upon its determination that the person was arrested upon probable cause to believe such person was driving a motor vehicle while the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight, based on the definition of alcohol concentration in section 302.500, or where such person was less than twenty-one years of age when stopped and was stopped upon probable cause to believe such person was driving while intoxicated in violation of section 577.010, RSMo, or driving with excessive blood alcohol content in violation of section 577.012, RSMo, or upon probable cause to believe such person violated a state, county or municipal traffic offense and such person was driving with a blood alcohol content of two-hundredths of one percent or more by weight.

2. The department shall make a determination of these facts on the basis of the report of a law enforcement officer required in section 302.510, and this determination shall be final unless a hearing is requested and held. If a hearing is held, the department shall review the matter and make a final determination on the basis of evidence received at the hearing.

3. The determination of these facts by the department is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect any suspension or revocation under this section.

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a verified report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court.

2. The report required by this section shall be made on forms supplied by the department or in a manner specified by regulations of the department.

3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been certified by the director of the department of public safety pursuant to the provisions of sections 590.100 to 590.180, RSMo.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of [ten-hundredths] **eight-hundredths** of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525."; and

Further amend said bill, Page 115, Section 303.179, Line 7 of said page, by inserting after all of said line the following:

"577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.



3. For the first offense, driving with excessive blood alcohol content is a class C misdemeanor.

577.037. 1. Upon the trial of any person for violation of any of the provisions of section 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of any criminal action or violations of county or municipal ordinances or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, RSMo, arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was [ten-hundredths] **eight-hundredths** of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health.

5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health demonstrate that there was less than [ten-hundredths] **eight-hundredths** of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Griesheimer offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 8*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 7 of said page, by inserting after all of said line the following:

**"Section 10. 1. Beginning September 1, 1999, for the purpose of providing additional support for the premise that .08 BAC laws help reduce alcohol-related fatalities, an advisory working group is hereby established. The working group is to review the fatal crash experience of all states that have lowered their BAC limits to 0.08 and to determine the impact of this legislation on alcohol-related fatalities. The advisory working group shall consist of the following:**

**(1) The director of the department of revenue or the director's designee;**

**(2) The director of the department of public safety or the director's designee;**

**(3) The director of the department of health or the director's designee;**

**(4) The superintendent of the state highway patrol or the superintendent's designee;**

**(5) The director of the Missouri safety council or the director's designee;**

**(6) The director of the Mothers Against Drunk Drivers or the director's designee;**

**(7) Two members of the Missouri senate appointed by the president pro tem of the senate with no more than one from any political party; and**

**(8) Two members of the Missouri house of representatives appointed by the speaker of the house with no more than one member from any political party.**

**2. The advisory working group shall submit a report of its findings to each member of the general assembly no later than March 1, 2000.";** and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Griesheimer, **House Substitute Amendment No. 1 for House Amendment No. 8** was adopted by the following vote:

AYES: 076

Abel Auer Barry 100 Bennett Berkowitz

Blunt Britt Campbell Clayton Crump

Davis 122 Davis 63 Foley Ford Franklin

Froelker Gambaro George Gibbons Graham 24

Gratz Green Griesheimer Gross Gunn

Hampton Hanaway Hegeman Hickey Hohulin

Hollingsworth Hoppe Kasten Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Liese Lograsso Loudon Luetkenhaus Mays 50

McBride McKenna Monaco Murray Naeger

Nordwald O'Connor O'Toole Overschmidt Parker

Pouche Purgason Ransdall Relford Reynolds

Rizzo Robirds Scheve Schwab Selby

Shelton Shields Smith Thompson 37 Townley

Treadway Vogel Wagner Ward Wiggins

Williams 159

NOES: 075

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Black Boatright Bonner

Boucher Boykins Bray 84 Carter Champion

Chrismer Cierpiot Crawford Daniel Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foster Fraser Gaskill

Graham 106 Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Hendrickson Hilgemann Holand Hosmer Howerton

Kelley 47 King Klindt Lakin Legan

Levin Luetkemeyer May 108 McClelland McLuckie

Merideth Miller Murphy Myers Ostmann

Patek Pryor Reid Reinhart Richardson

Riley Sallee Schilling Scott Secrest

Seigfreid Skaggs Stokan Summers Surface

Tudor Van Zandt Williams 121 Wilson Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Backer Burton Linton Long Marble

Ridgeway Ross Thompson 72 Troupe Mr. Speaker

VACANCIES: 002

Representative O'Connor offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

"700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010 to 700.500, the following terms mean:

- (1) "Authorized representative", any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;
- (2) "Code", the standards relating to manufactured homes, [recreational vehicles,] or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;
- (3) "Commission", the public service commission;
- (4) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or more manufactured homes, [recreational vehicles,] or modular units in any consecutive twelve-month period;
- (5) "Manufactured home", a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner;
- (6) "Manufacturer", any person who manufactures manufactured homes, [recreational vehicles,] or modular units, including persons who engage in importing manufactured homes, [recreational vehicles,] or modular units for resale;
- (7) "Modular unit", a transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes;
- (8) "New", being sold or offered for sale to the first purchaser for purposes other than resale;
- (9) ["Park trailer", a modular type unit built on a single chassis mounted on wheels, designed primarily as temporary living quarters for seasonal or destination camping, and having a gross trailer area not exceeding four hundred square feet and not less than two hundred forty square feet in the setup mode;
- (10)] "Person", an individual, partnership, corporation or other legal entity;
- [(11)] **(10) "Premises", a lot, plot, or parcel of land including the buildings, structures, and manufactured homes thereon;**
- (11) "Recreational park trailer", a recreational park trailer as defined in the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers. A recreational park trailer is not a recreational vehicle;**
- (12) "Recreational vehicle", [a vehicular-type unit primarily designed to provide temporary living quarters for recreational, camping or travel, use that either has its own motive power, or is mounted on or towed by another vehicle] **a recreational vehicle as defined in the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;**
- (13) "Seal", a device, label or insignia issued by the public service commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home, [recreational vehicle,] or modular unit to evidence compliance with the code;
- (14) "Setup", the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or



expandable units.

700.015. 1. No person shall rent, lease, sell or offer for sale any manufactured home manufactured after January 1, 1974, [or any new recreational vehicle within this state,] unless such manufactured home [or new recreational vehicle] complies with the code and bears the proper seal.

2. No person shall manufacture in this state any manufactured home, [recreational vehicle,] or modular unit for rent, lease or sale within the state which does not bear a seal evidencing compliance with the code.

3. Unless otherwise required by federal law or regulations, nothing in sections 700.010 to 700.115 shall apply to a manufactured home, [recreational vehicle,] or modular unit being built expressly for export and sold for use solely outside this state.

4. No person shall offer for rent, lease or sale a modular unit manufactured after January 1, 1974, unless such modular unit complies with the code and bears a seal issued by the commission evidencing compliance with the code.

**5. No manufacturer shall sell or offer for sale within this state:**

**(1) Any new recreational vehicle that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles; or**

**(2) Any new recreational park trailer that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers.**

700.021. Seals may be issued by the commission when applied for with an affidavit certifying that the person applying will not attach a seal to any manufactured home, [recreational vehicle,] or modular unit that does not meet or exceed the code. Any registered dealer who has acquired a preowned manufactured home or modular unit without a seal may apply for a seal with an affidavit certifying that the preowned manufactured home or modular unit was brought up to or otherwise meets the requirements of the code. No person may manufacture in this state any manufactured home or modular unit unless it bears a seal and certification certifying that the manufactured home or modular unit meets or exceeds the code. The certificate as to each manufactured home or modular unit shall be displayed in a manner to be prescribed by the commission.

700.025. No person shall alter or cause to be altered any manufactured home, [recreational vehicle,] or modular unit to which a seal has been affixed, if such alteration or conversion causes the manufactured home, [recreational vehicle,] or modular unit to be in violation of the code.

700.030. Upon showing by a registered manufacturer or dealer that another state provides for the sealing of manufactured homes, [recreational vehicles,] or modular units in compliance with standards which are at least equal to those provided in the code and upon determination by the commission that such standards are being adequately enforced, the commission shall provide that a seal affixed under the authority of such state shall have the same effect as a seal affixed under authority of this state. The commission may make any such approval contingent upon such other state granting reciprocal effect to seals affixed under authority of this state and shall maintain a list of such states which shall be available on request.

700.035. 1. If a manufactured home, [recreational vehicle] or modular unit carries a seal as provided in sections 700.010 to 700.115, no agency of this state, nor any municipality or other local governmental body shall require such manufactured home, [recreational vehicle,] or modular unit to comply with any other building, plumbing, heating or electrical code other than the code established by sections 700.010 to 700.115.

**2. No agency of this state, nor any municipality or other local governmental body shall:**

**(1) Require a recreational vehicle or recreational park trailer to comply with any building, plumbing, heating or electrical code other than those established by the respective American National Standard Institute (ANSI) A119.2 standard or A119.5 standard; or**

**(2) Institute any recreational vehicle or recreational park trailer inspection program to determine such vehicles' compliance with the applicable ANSI A119.2 or A119.5 standard.**

700.040. 1. The commission shall, through its own inspection service or through a public or private inspection service acting as its authorized representative, perform sufficient inspections of manufacturing and dealer premises and manufactured homes, [recreational vehicles,] and modular units to ensure that the provisions of the code are being observed. The commission shall approve any designation of a public or private inspection service as an authorized representative. The commission shall establish a comprehensive inspection system, including a determination of the extent to which its own inspectors or authorized representatives are used. The inspections may include examination of all books, records, performance and technical data of a manufacturer related to the subject matter of sections 700.010 to 700.115.

2. The commission shall establish reasonable fees for seals or inspection, or both, which are sufficient to cover all costs incurred in the administration of sections 700.010 to 700.115. Fees for inspections made by private inspection services may be paid directly to the inspection service. The commission, upon issuing seals, registration certificates, and plan approvals, and conducting inspections provided for in sections 700.010 to 700.115, shall notify the director of revenue, who shall receive the fees and immediately deposit the same in the state treasury to the credit of a fund to be known as the "Manufactured Housing Fund". All salaries and expenses for the implementation of sections 700.010 to 700.115 shall be appropriated and paid from such fund.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and



placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding year.

4. The commission may appoint such employees within its department as it may deem necessary for the administration of the provisions of sections 700.010 to 700.115.

5. The commission may issue and promulgate such rules and regulations as necessary to make effective the code and the provisions of sections 700.010 to 700.115. [No rule or portion of a rule promulgated under the authority of sections 700.010 to 700.115 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 700.010 to 700.115 shall become effective only if they have been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

6. The commission may remove seals from any manufactured home, [recreational vehicle] or modular unit made by any manufacturer in violation of the provisions of section 700.045.

7. Notwithstanding any other provisions of sections 700.010 to 700.115, the commission shall have the authority to enter into any contract or agreement necessary to comply with the statutes and regulations enforced by and under the authority of the United States Department of Housing and Urban Development relating to manufactured homes, [recreational vehicles] and modular housing.

8. The commission may require manufacturers and dealers to file reports with the Secretary of the United States Department of Housing and Urban Development as may be required under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.).

700.045. It shall be a misdemeanor:

(1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any manufactured home, [recreational vehicle] or modular unit after January 1, 1977, unless there is in effect a registration with the commission;

(2) To rent, lease, sell or offer to sell any manufactured home or modular unit manufactured after January 1, 1974, [or any new recreational vehicle] which does not bear a seal as required by sections 700.010 to 700.115;

(3) To affix a seal or cause a seal to be affixed to any manufactured home, [recreational vehicle,] or modular unit which does not comply with the code;

(4) To alter a manufactured home, [recreational vehicle,] or modular unit in a manner prohibited by the provisions of sections 700.010 to 700.115;

(5) To fail to correct a code violation in a manufactured home, [recreational vehicle,] or modular unit owned, manufactured or sold within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission, if the same is manufactured after January 1, 1974; or

(6) To interfere with, obstruct, or hinder any authorized representative of the commission in the performance of his duties.

700.050. The issuance of seals to any manufacturer in violation of the provisions of sections 700.010 to 700.115 may be suspended by the commission and no further seals shall be issued to any such manufacturer except upon proof satisfactory to the commission that the conditions which brought about the violation have been remedied. Seals remain the property of the state and may be removed by the commission from any manufactured home, [recreational vehicle,] or modular unit which is in violation of the code.

700.060. As used in sections 700.060 to 700.115, the term "manufactured home" shall also include units defined in section 700.010 if such units are in two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing and includes two manufactured home units joined into a single residential or business unit which are kept on separate chassis for repeated towing. For the purposes of sections 700.060 to 700.115, a "manufactured home" shall not include a recreational vehicle **or a recreational park trailer**.

700.090. 1. Every manufacturer or dealer of manufactured homes who sells or offers for sale, on consignment or otherwise, a manufactured home, [recreational vehicle,] or modular unit from or in the state of Missouri shall register with the commission.

2. The commission shall issue a certificate of registration to a manufacturer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the manufacturer;

(b) The address of the manufacturer and addresses of each factory owned or operated by the manufacturer, if different from the address of the manufacturer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, and proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for overall operation of the manufacturer;

(2) Files with the commission an initial registration fee of two hundred fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri.

3. The commission shall issue a certificate of registration to a dealer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the dealer;

(b) The business address of the dealer and addresses of each separate facility owned and operated by the dealer from which manufactured homes, [recreational vehicles,] or modular units are offered for sale if different from the business address of the dealer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for the overall operations of the manufacturer;

(2) Files with the commission an initial registration fee of fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri;

(3) Files with the commission proof of compliance with the provisions of section 301.250, RSMo, and section 301.280, RSMo.

4. The registration of any manufacturer or dealer shall be effective for a period of one year and shall be renewed by the commission upon receipt by it from the registered dealer of a renewal fee of two hundred fifty dollars for manufacturers and fifty dollars for dealers and a form provided by the commission upon which shall be placed any changes from the information requested on the initial registration form.

5. The commission may stagger the renewal of certificates of registration to provide for more equal distribution over the twelve months of the number of registration renewals.

700.100. 1. The commission may refuse to register or refuse to renew the registration of any person who fails to comply with the provisions of section 700.090 or this section. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be delivered to the applicant within thirty days from date it is received by the commission. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the commission may be appealed as provided in chapter 386, RSMo.

2. The commission may consider a complaint filed with it charging a registered manufacturer or dealer with a violation of the provisions of this section, which charges, if proven, shall constitute grounds for revocation or suspension of his registration, or the placing of the registered manufacturer or dealer on probation.

3. The following specifications shall constitute grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration:

(1) If required, failure to comply with the provisions of section 301.250, RSMo, or section 301.280, RSMo;

(2) Failing to be in compliance with the provisions of section 700.090;

(3) If a corporation, failing to file all franchise or sales tax forms required by Missouri law;

(4) Engaging in any conduct which constitutes a violation of the provisions of section 407.020, RSMo;

(5) Failing to comply with the provisions of sections 2301-2312 of Title 15 of the United States Code (Magnuson-Moss Warranty Act);

(6) As a dealer, failing to arrange for the proper initial setup of any new or used manufactured home or modular unit sold from or in the state of Missouri, unless the dealer receives a written waiver of that service from the purchaser or his authorized agent and an amount equal to the actual cost of the setup is deducted from the total cost of the manufactured home or modular unit;

(7) Requiring any person to purchase any type of insurance from that manufacturer or dealer as a condition to his being sold any manufactured home, [recreational vehicle,] or modular unit;

(8) Requiring any person to arrange financing or utilize the services of any particular financing service as a condition to his being sold any manufactured home, [recreational vehicle,] or modular unit; provided, however, the registered manufacturer or dealer may reserve the right to establish reasonable conditions for the approval of any financing source;

(9) Engaging in conduct in violation of section 700.045;



(10) Failing to comply with the provisions of section 301.210, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative O'Connor, **House Amendment No. 9** was adopted.

Representative Hartzler (124) offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 97, Section 302.302, Line 11 of said page, by inserting after the word "driving" the following: **"In violation of subsection 2 of section 304.012, RSMo.....6 points";** and

Further amend said bill, Page 115, Section 303.179, Line 7 of said page, by inserting after all of said line the following:  
"304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved **or there are aggravating circumstances** then it shall be a class A misdemeanor. **For the purposes of this section, the term "aggravating circumstances" shall be defined as circumstances in which any person suffers death or serious physical injury, as defined in section 565.002, RSMo, as a result of the violation of this section.**

577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.]; **or**

**(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law

enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person.**

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Hartzler (124), **House Amendment No. 10** was adopted.

Representative Mays (50) offered **House Amendment No. 11.**

*House Amendment No. 11*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Section 304.157, Page 52, Line 14, by adding after the period on said line, the following: **"If the abandoned property impairs or impedes normal commerce, it may be removed immediately."**

On motion of Representative Mays (50), **House Amendment No. 11** was adopted.

Representative Howerton offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

**"Section 10. 1. Any person may receive license plates as prescribed in this section, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, RSMo, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twelve thousand pounds as provided in section 301.057 or 301.058, RSMo, after an annual payment of an emblem-use authorization fee to Ducks Unlimited. Ducks Unlimited hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Ducks Unlimited derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Ducks Unlimited. Any member of Ducks Unlimited may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five-dollar emblem-use contribution to Ducks Unlimited, Ducks Unlimited shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Ducks Unlimited. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.**

**3. A vehicle owner, who was previously issued a plate with the Ducks Unlimited emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Ducks Unlimited emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Howerton, **House Amendment No. 12** was adopted.



Representative Kissell offered **House Amendment No. 13.**

*House Amendment No. 13*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 179, Section 307.366, Line 8 of said page, by inserting after the word "**transferred**" the words "**by a licensed new motor vehicle franchise dealer, as defined in section 301.550, RSMo,**"; and

Further amend said bill, Page 199, Section 643.315, Line 5, by deleting the word "and" and inserting in lieu thereof the word "[and]"; and

Further amend said bill, Page 199, Section 643.315, Line 12, by inserting after the word "user" the following:

**"; and**

**(7) Any motor vehicle sold or transferred, by a licensed new motor vehicle franchise dealer, as defined in section 301.550, RSMo, that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved; provided that, for any motor vehicle exempted pursuant to this subdivision, the purchaser may return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the motor vehicle inspected and approved without the option for a waiver of the emissions standards and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, and provided that, the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or to enter into any mutually acceptable agreement with the seller"; and**

Further amend said bill, Page 201, Section 643.315, Line 5, by inserting after the word "trade" a closing bracket "]""; and

Further amend said bill, Page 201, Section 643.315, Line 6, by deleting the closing bracket "]" after the word "agreement" .

On motion of Representative Kissell, **House Amendment No. 13** was adopted.

Representative Lograsso offered **House Amendment No. 14.**

*House Amendment No. 14*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 150, Line 20 of said page, by deleting the words "Each intermediate" and by deleting all of lines 21 through 23 of said page.

On motion of Representative Lograsso, **House Amendment No. 14** was adopted by the following vote:

AYES: 095

Abel Akin Alter Backer Bartelsmeyer

Bartle Bennett Berkowitz Berkstresser Black

Blunt Boatright Bonner Britt Burton

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 63 Dolan

Enz Evans Farnen Foley Ford

Foster Froelker Gibbons Graham 106 Gratz

Griesheimer Gross Gunn Hampton Hanaway

Hartzler 123 Hegeman Hickey Hohulin Howerton

Kasten Kelley 47 King Kissell Klindt

Koller Kreider Lawson Legan Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

McBride Miller Myers Naeger Nordwald  
O'Connor Overschmidt Patek Pouche Pryor  
Reid Reinhart Richardson Rizzo Robirds  
Sallee Scheve Schwab Scott Secrest  
Seigfreid Shelton Shields Skaggs Summers  
Surface Thompson 72 Townley Troupe Vogel  
Wagner Ward Williams 159 Wright Mr. Speaker

NOES: 053

Auer Barnett Barry 100 Boucher Boykins  
Bray 84 Campbell Davis 122 Days Dougherty  
Elliott Fitzwater Franklin Fraser Gambaro  
George Graham 24 Green Hagan-Harrell Hartzler 124  
Hendrickson Hilgemann Hollingsworth Hoppe Hosmer  
Kelly 27 Kennedy Lakin Levin Liese  
May 108 Mays 50 McClelland McKenna McLuckie  
Merideth Monaco Murray O'Toole Ostmann  
Purgason Ransdall Reynolds Riley Schilling  
Selby Smith Stokan Thompson 37 Tudor  
Van Zandt Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard Gaskill Harlan Holand Leake  
Linton Murphy Parker Relford Ridgeway  
Ross Treadway Wiggins

VACANCIES: 002

Speaker Gaw resumed the Chair.

Representative Crump offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 152, Section 302.178, Line 8, by inserting immediately after the word "requirements" the following:

**", or has successfully completed a driver training program taught by an instructor certified by the state department of education"; and**

Further amend said bill, page 207, section 643.355, line 16, by inserting immediately after said line the following:

**"Section 1. Any person under the age of twenty-five who has passed a driver training program taught by an instructor certified by the state department of education shall be entitled to receive a discount of fifteen percent on his or her**

automobile insurance."

Representative Shields requested a division of the question.

*House Amendment No. 15*

PART I

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 152, Section 302.178, Line 8, by inserting immediately after the word "requirements" the following:

**", or has successfully completed a driver training program taught by an instructor certified by the state department of education".**

On motion of Representative Crump, **Part I of House Amendment No. 15** was adopted.

*House Amendment No. 15*

PART II

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 207, section 643.355, line 16, by inserting immediately after said line the following:

**"Section 1. Any person under the age of twenty-five who has passed a driver training program taught by an instructor certified by the state department of education shall be entitled to receive a discount of fifteen percent on his or her automobile insurance."**

Representative Crump moved that **Part II of House Amendment No. 15** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Abel Backer Berkowitz Bonner Boucher

Britt Campbell Clayton Crump Davis 122

Davis 63 Dougherty Farnen Fitzwater Foley

Ford Gambaro George Graham 24 Gratz

Green Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hosmer Kelly 27 Kissell

Leake Luetkenhaus May 108 Mays 50 McBride

McKenna McLuckie Monaco Murray O'Toole

Overschmidt Ransdall Relford Reynolds Riley

Scheve Schilling Selby Skaggs Stokan

Thompson 37 Thompson 72 Treadway Troupe Van Zandt

Wagner Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 089

Akin Alter Auer Ballard Barnett

Barry 100 Bartle Bennett Berkstresser Black  
Blunt Boatright Boykins Burton Carter  
Champion Chrismer Cierpiot Crawford Daniel  
Dolan Elliott Enz Evans Foster  
Fraser Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Gunn Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Holand Hoppe  
Howerton Kasten Kelley 47 Kennedy King  
Klindt Koller Kreider Lakin Lawson  
Legan Levin Lograsso Long Loudon  
Luetkemeyer Marble McClelland Merideth Miller  
Murphy Myers Naeger Nordwald Ostmann  
Parker Patek Pouche Pryor Purgason  
Reid Reinhart Richardson Robirds Sallee  
Schwab Scott Secrest Seigfreid Shelton  
Shields Smith Summers Surface Townley  
Tudor Vogel Ward Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartelsmeyer Bray 84 Days Franklin Hanaway  
Liese Linton O'Connor Ridgeway Rizzo  
Ross

VACANCIES: 002

Representative Hosmer offered **House Amendment No. 16.**

*House Amendment No. 16*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 4, Section 301.142, Line 5, by deleting the word "Such" and inserting in lieu thereof the following: "[Such"; and

Further amend said bill, Page 4, Section 301.142, Line 6, by deleting the word "of" and inserting in lieu thereof the following: "of] **No person may use**"; and

Further amend said bill, Page 4, Section 301.142, Line 8, by deleting the phrase "by a person" and inserting in lieu thereof the following: "[by a] **if the person is**"; and

Further amend said bill, Page 4, Section 301.142, Line 9, by deleting the word "shall" and inserting in lieu thereof the following: "[shall"; and

Further amend said bill, Page 4, Section 301.142, Line 10, by deleting the following: "infraction." and inserting in lieu thereof the following: "infraction]. **Any violation of this subsection is an infraction, and**"; and

Further amend said bill, Page 8, Section 301.142, Line 9, by inserting after the following: "chiropractors," the following: "**or the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists,**"; and

Further amend said bill, Page 9, Section 301.142, Line 16, by inserting after the following: "osteopath," the following: "**optometrist**"; and



Further amend said bill, Page 10, Section 301.142, Line 16, by inserting after all of said line the following:

**"12. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis."**

On motion of Representative Hosmer, **House Amendment No. 16** was adopted.

Representative Scott offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 25, Section 302.341, Line 23, by placing an opening bracket after the word "state" and a closing bracket after the word "thousand"; and

Further amend said section, page 27, line 18, by placing after the period the following: **"For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number."**

On motion of Representative Scott, **House Amendment No. 17** was adopted.

Representative Ransdall offered **House Amendment No. 18**.

*House Amendment No. 18*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 54, Subsection 6, Line 23, by placing a period after the word "copy" and deleting the rest of said line, and that portion of the sentence of line 1, on page 55.

On motion of Representative Ransdall, **House Amendment No. 18** was adopted.

Representative Riley offered **House Amendment No. 19**.

*House Amendment No. 19*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11, by inserting after said line the following:

**"Section 10. 1. The highway patrol and any local law enforcement agency may collect, correlate and maintain the following information regarding traffic law enforcement:**

- (1) The number of drivers stopped for routine traffic enforcement and whether or not a citation or warning was issued;**
- (2) Identifying characteristics of the drivers stopped, including race, ethnicity, age and gender;**
- (3) The alleged violation that led to the stop;**
- (4) Whether a search was instituted as a result of the stop;**
- (5) Whether the vehicle, personal effects, driver or passengers were searched, and the race, ethnicity, age and gender of any person searched;**
- (6) Whether the search was conducted pursuant to consent, probable cause or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion;**
- (7) Whether any contraband was found and the type and amount of any contraband;**
- (8) Whether an arrest was made;**

(9) Whether any property was seized and a description of such property;

(10) Whether the officers making the stop encountered any physical resistance from the driver or passengers;

(11) Whether the officers making the stop engaged in the use of force against the driver or any passengers;

(12) Whether any injuries resulted from the stop;

(13) Whether the circumstances surrounding the stop were the subject of any investigation, and the results of such investigation.

2. The information to be collected pursuant to subsection 1 of this section need not be collected in connection with roadblocks, vehicle checks or checkpoints, except when such stops result in a warning, search, seizure or arrest.

3. The highway patrol shall conduct analyses of the information collected pursuant to this section to determine whether law enforcement officers are using profiles in law enforcement activities."; and

Further amend the title and enacting clause accordingly.

Representative Pouche raised a point of order that **House Amendment No. 19** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Riley, **House Amendment No. 19** was adopted.

**SS SCS SB 19, with HS, as amended, and House Committee Amendment No. 1, pending**, was laid over.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 267, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HBs 603, 722 & 783, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HS HCS HB 793, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SBs 14, 60 & 69, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 676**, entitled:

An act to repeal sections 115.065, 115.105, 115.195, 115.199, 115.231, 115.289, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.647 and 115.652, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.124, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.637, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780, 115.785 and 130.057, RSMo Supp. 1998, relating to elections, and to 130.057, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 17, Senate Amendment No. 18 and Senate Amendment No. 19.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 79, Section 130.057, Line 25 of said page, by striking the words "any one" and inserting in lieu thereof the following: **"the applicable"**.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 82, Section 130.057, Line 1, by inserting after all of said line the following:

"205.180. 1. Each candidate for the office of hospital trustee shall file with the county clerk an announcement of candidacy in writing. The announcement shall indicate whether the individual is a candidate for a full or an unexpired term of a named predecessor. No filing fee shall be required to be paid upon the filing of any announcement. **If the number of candidates is no greater than the number of trustees to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected.** If announcements of a sufficient number of trustees are not filed, the county commission shall appoint such trustee or trustees as may be necessary to fill all vacancies on the board which result from the expiration of the term of any trustee or trustees, **and** any appointee shall serve until the next general election when a trustee shall be elected to fill the remainder of the unexpired term.

2. The ballots shall not contain any designation of the political party affiliation of any candidate for trustees to be elected and shall state whether any of the trustees is to be elected for an unexpired term:

FOR HOSPITAL TRUSTEE

(Vote for .....)

.....  
.....  
.....  
.....

FOR HOSPITAL TRUSTEE

For unexpired term ending .....

(Vote for .....)

.....  
.....  
.....  
.....

3. The candidates whose names have been placed on the ballot by the county commission pursuant to sections 205.170 and 205.180 and who receive the highest number of votes for the offices of trustee to be filled shall be declared elected by the county commission which shall issue commissions to the elected trustees."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 80, Section 130.057, Lines 3 and 4 of said page, by striking the words "any one" and inserting in lieu thereof the following: **"the applicable"**.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 1, Section Title, Line 12, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and



Further amend said bill, page 82, section 1, lines 1-9, by striking all of said lines and inserting in lieu thereof the following:

**"Section 2. Before the ballot is printed, if the title of a ballot issue is identical or substantially identical to the title of another ballot issue that will appear on the same ballot, the election authority shall promptly notify the officer or entity that certifies the election of the identical or substantially identical title, and if such officer or entity submits a new title to the election authority, the election authority may change the title of the ballot issue prior to printing the official ballot."**

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 68, Section 115.647, Line 10, by adding at the beginning of the line "[ "; and further amend said bill, line 23 at the end, by adding "]"; and further delete all bold language and brackets from this section.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 78, Section 115.785, Line 5, by inserting after said line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County .....

Page No. ....

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any referendum petition with any name other than his **or her** own, or knowingly to sign his **or her** name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. .... entitled (title of law), passed by the ..... general assembly of the state of Missouri, at the ..... regular (or special) session of the ..... general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., [19]...., unless the general assembly shall designate another date, and each for himself **or herself** says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF ..... I, ....., [a Missouri registered voter and a resident of the state of Missouri,] being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME DATE ADDRESS ZIP CONGR. NAME

(Signature) SIGNED (Street) (City, CODE DIST. (Printed or

Town or Village) or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this ..... day of ....., A.D. [19]....



.....  
Signature of Notary

**Address of Notary**

Notary Public (Seal)

My commission expires .....

If this form is followed substantially and the requirements of section 116.050 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the State of Missouri proposed by the initiative:

County .....

Page No. ....

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both,** for anyone to sign any initiative petition with any name other than his **or her** own, or knowingly to sign his **or her** name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

INITIATIVE PETITION

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., [19]....., and each for himself **or herself** says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF ..... I, ....., [a Missouri registered voter and a resident of the state of Missouri,] being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME DATE ADDRESS ZIP CONGR. NAME

(Signature) SIGNED (Street) (City, CODE DIST. (Printed or  
Town or Village) Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

.....  
Signature of Affiant

(Person obtaining signatures)

.....  
Address of Affiant

Subscribed and sworn to before me this ..... day of ....., A.D. [19].... .

.....  
Signature of Notary

**Address of Notary**

Notary Public (Seal)

My commission expires .....

If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.060. Any registered voter of the state of Missouri may sign initiative and referendum petitions. However, each page of an initiative or referendum petition shall contain signatures of voters from only one county. **Each petition page filed with the secretary of state shall have the county where the signers are registered designated in the upper right-hand corner of such page.** Signatures of voters from counties other than the one designated by the circulator in the upper right hand corner on a given page shall not be counted as valid.

116.080. 1. Each petition circulator [must be a Missouri registered voter and a resident of Missouri.] **shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.**

2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;

(2) Name of circulator;

(3) Residential address, including street number, city, state and zip code;

(4) Mailing address, if different;

(5) Have you been or do you expect to be paid for soliciting signatures for this petition?

YES NO;

(6) If the answer to subdivision (5) is yes, then identify the payor;

(7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

**I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.**

4. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page [he] **such circulator** submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his **or her** official signature and affix his **or her** official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his **or her** presence.

**5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**

116.090. 1. Any person who signs any name other than his own to any petition, or who knowingly signs his **or her** name more than once for the same measure for the same election, or who knows he **or she** is not at the time of signing or circulating the same a Missouri registered voter and a resident of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**

**2. Any person who knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**

116.100. The secretary of state shall not accept any referendum petition submitted later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing initiative petitions. **All pages shall be submitted at one time.** When an initiative or referendum petition is submitted to the secretary of state, the signature pages shall be in order and numbered sequentially by county, except in counties that include multiple congressional districts, the signatures may be ordered and numbered using an alternate numbering scheme approved in writing by the secretary of state prior to submission of the petition. Any petition that is not submitted in accordance with this section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After verifying the count of signature pages, the secretary of state shall issue a receipt indicating the number of pages presented from each county. When a person submits a petition he **or she** shall designate to the secretary of state the name and the address of the person to whom any notices shall be sent under sections 116.140 and 116.180. [No initiative petition shall be accepted by the secretary of state until 8:00 a.m. on the second Tuesday of January in even-numbered years for access to the general election ballot in those years.]

116.110. Any voter who has signed an initiative or referendum petition may withdraw his **or her** signature from that petition by submitting to the secretary of state, before the petition is [certified as sufficient or insufficient, an affidavit] **filed with the secretary of state, a sworn statement** requesting that his **or her** signature be withdrawn[. If the secretary of state receives such an affidavit before the day he certifies the petition he shall strike the signature and not count it.] **and affirming the name of the petition signed, the name the voter used when signing the petition, the address of the voter and the county of residence. It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the**



contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, to knowingly file a false withdrawal statement with the secretary of state.

116.120. 1. When an initiative or referendum petition is submitted to the secretary of state, he or she shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter. **Signatures on petition pages that have been collected by any person who is not properly registered with the secretary of state as a circulator shall not be counted as valid. Signatures on petition pages that do not have the official ballot title affixed to the page shall not be counted as valid.** The secretary of state may verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall be drawn in such a manner that every signature properly filed with the secretary of state shall be given an equal opportunity to be included in the sample. **The process for establishing the random sample and determining the statistically valid result shall be established by the secretary of state.** Such a random sampling shall include an examination of five percent of the signatures.

2. If the random sample verification establishes that the number of valid signatures is less than ninety percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to have failed to qualify in that district. In finding a petition insufficient, the secretary of state does not need to verify all congressional districts on each petition submitted if verification of only one or more districts establishes the petition as insufficient.

3. If the random sample verification establishes that the number of valid signatures total more than one hundred ten percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to qualify in that district.

4. If the random sampling shows the number of valid signatures within a congressional district is within ninety to one hundred ten percent of the number of signatures of qualified voters needed to declare the petition sufficient in that district, the secretary of state shall order the examination and verification of each signature filed.

116.130. 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent [not later than two weeks after the petition is submitted if the election authority is to verify each signature and not later than three weeks after the petition is submitted if verification is to occur by random sampling as provided in section 116.120] **pursuant to the following schedule:**

**(1) Copies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of secretary of state;**

**(2) Copies of all pages of a total of three petitions shall be received in the office of the election authority not later than three weeks after the petition is filed in the office of the secretary of state;**

**(3) If more than three petitions are filed, all copies of petition pages, including those petitions selected for verification by random sample pursuant to section 116.120, shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state.**

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. **Signatures shall not be counted as valid if they have been struck through or crossed out.**

2. If the election authority is requested to verify the petition by random sampling, such verification [must] **shall** be completed and certified not later than two weeks from the date **that** the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the [eleventh] **last Tuesday in July** prior to the election, **or in the event of complete verification of signatures after a failed random sample, full verification shall be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later.**

[2.] 3. If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature.

[3.] 4. The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the number of pages received for that county, and also certify the total number of valid signatures of voters from each congressional district which the election authority has been asked to check by the secretary of state.

[4.] 5. The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[5.] 6. After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions [or return them to the person submitting them upon written request from such person. Returned petitions shall be stamped by the secretary of state to indicate that such petitions are no longer valid].

116.150. 1. After the secretary of state makes [his] a determination on the sufficiency of the petition and if [he] **the secretary of state** finds it sufficient, [he] **the secretary of state** shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, [he] **the secretary of state** shall issue a certificate stating the reason for the insufficiency.

3. **The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later.**

116.155. 1. **The general assembly may include the official summary statement and a fiscal note summary in any statewide ballot measure that it refers to the voters.**

2. **The official summary statement approved by the general assembly shall, taken together with the approved fiscal note summary, be the official ballot title and such summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.**

3. **The fiscal note summary approved by the general assembly shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure in language neither argumentative nor likely to create prejudice for or against the proposed measure.**

116.160. 1. [After] **If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a vote of the people [and it has been delivered to the secretary of state], after receipt of such resolution or bill the secretary of state shall promptly forward the resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without an official summary statement, which is to be referred to a vote of the people, within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure as the proposed summary statement. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The summary statement may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.**

2. The official summary statement shall contain no more than fifty words, **excluding articles**. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

116.170. [After] **If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a vote of the people [and it has been delivered to the state auditor], the state auditor shall, within thirty days of delivery to the auditor, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.**

116.175. 1. **Except as provided in section 116.155**, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, **excluding articles**, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

116.180. Within three days after receiving the official summary statement the approved fiscal note summary and the fiscal note relating to any statewide ballot measure [from the state auditor], the secretary of state shall certify the official ballot title in separate paragraphs with the fiscal note summary immediately following the summary statement of the measure and shall deliver a copy of the official ballot title and the fiscal note to the speaker of the house or the president pro tem of the legislative chamber that originated the measure or, in the case of initiative or referendum petitions, to the person whose name and address are designated under section 116.332. Persons circulating the petition shall affix the official ballot title to each page of the petition prior to circulation and signatures shall not be counted if the official ballot title is not affixed to the page containing such signatures.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional



amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title **prepared by the secretary of state**. When the action challenges the fiscal note or the fiscal note summary **prepared by the auditor**, the state auditor shall also be named as a party defendant. **The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.**

3. The petition shall state the reason or reasons why the official ballot title is insufficient or unfair and shall request a different official ballot title.

4. The action shall be placed at the top of the civil docket. The court shall consider the petition, hear arguments, and in its decision certify the official ballot title to the secretary of state. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, the secretary of state shall certify the language which the court certifies to him.

116.220. The secretary of state shall label statutory initiative and referendum measures alphabetically in the order in which they are submitted by petition **or in the order in which they are passed by the general assembly**. [He] **The secretary of state** shall label the first as "Proposition A", and so on consecutively through the letter Z, and then begin labeling as "Proposition AA" and so on. A new series of letters shall be started after each general election. **In the event a measure is labeled prior to, but not voted on at, the next succeeding general election, the letter assigned to such measure shall not be reassigned until after such measure has been voted on by the people.**"; and

Further amend said bill, page 84, section 115.780, line 12, by inserting immediately after said line the following:

"Section B. Because of the immediate need to ensure proper ballot measure procedures, sections 116.030, 116.040, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.150, 116.155, 116.160, 116.170, 116.175, 116.180, 116.190 and 116.220 are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 116.030, 116.040, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.150, 116.155, 116.160, 116.170, 116.175, 116.180, 116.190 and 116.220 shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 82, Section 3, Line 19, by inserting immediately after said line the following:

**"Section 4. The position of director of electronic information systems within the Missouri ethics commission shall, at a minimum, have a baccalaureate degree from an accredited institution of higher education with a major in computer science, computer engineering or computer programming. In addition to the baccalaureate degree, the director shall have appropriate work experience in the field of computer science, computer engineering or computer programming. The director shall be employed pursuant to subsection 11 of section 105.955, RSMo. The director shall administer and be responsible for the establishment, implementation and maintenance of computer systems, electronic reporting and other electronic information and communication systems as may be required pursuant to the authority and requirements of the Missouri ethics commission."**; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 27, Section 115.158, Line 7, by inserting at the end of said line the following:

**"5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 10*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 11-13, Section 115.065, by striking all of said section; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 72-74, Section 115.770, Lines 25-55, by deleting the underlined material in those lines; and

Further amend page 72, by deleting the brackets on lines 12, 18 and 25.

*Senate Amendment No. 12*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 15, Section 115.123, Line 3 of said page, by striking the word "March" and inserting in lieu thereof the word "**April**"; and

Further amend said bill, Page 23, Section 115.157, Line 10 of said page, by inserting immediately after the numeral "115.158" the following: "**, and shall, subject to appropriation, be compensated by the state through the election services fund of the county for transaction submitted pursuant to the provisions of this section and other election costs for the reimbursement of other out-of-pocket costs directly associated with the election, including reimbursement of salaries of employees of the election authority for hours worked to conduct an election and other expenses in an amount not to exceed five percent of the total costs of the election**"; and

Further amend said bill, Page 70, Section 115.755, Line 2 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend line 3 of said page, by striking the word "March"; and

Further amend said bill, Page 71, Section 115.761, Line 7 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend said line, by striking the word "March".

*Senate Amendment No. 13*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 1, In the Title, Line 12, by inserting immediately after the word "provisions" the following: "and an emergency clause for a certain section"; and

Further amend said bill, page 82, section 3, line 19 of said page, by inserting after all of said line the following:

**"Section 4. Should any vacancy in a ward committee remain unfilled for a period of thirty days, the respective ward committee shall post the date of the election and shall conduct an election for that unfilled position. The ward committee shall send the election results to the central city committee of both parties for ratification of the election results. Upon ratification, the person winning the election shall become the committee person."**; and

Further amend said bill, page 84, section 115.780, line 12 of said page, by inserting immediately after said line the following:

**"Section B. Because of the immediate need to ensure local representation, section 4 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 4 of this act shall be in full force and effect upon its passage and approval."**; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 14*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 82, Section 3, Line 19 of said page, by inserting after all of said line the following:

**"Section 4. The members of the state committee of a party may remove a member of such committee upon a two-thirds majority vote of all state committee members voting thereon. Upon certification to the secretary of state by the**

state committee that a two-thirds majority of its members have elected to remove a member, such member shall forfeit his or her office and a vacancy shall exist on said state committee."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 15*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 58, Section 115.507, Line 19 of said page, by inserting after all of said line the following:

115.611. 1. [ Except as provided in subsection 4 of section 115.613,] any registered voter of the county may have such voter's name printed on the primary ballot of such voter's party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of such candidate's party's county committee, or submit to the county election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

(1) One hundred dollars if such candidate is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;

(3) Except as provided in subdivisions (1) and (2) of this subsection, [no candidate for county committeeman or committeewoman shall be required to pay a filing fee] **the filing fee for candidates for county committeeman and county committeewoman in all other counties shall be ten dollars.**

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The

provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. 1. [Except as provided in subsection 4 of this section,] The qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of voters for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

[4. The provisions of this subsection shall apply only in any county where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established by law, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.]"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 17*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 68-69, Section 115.652, by striking all of said section; and

Further amend the title and enacting clause accordingly.



*Senate Amendment No. 18*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 2, Section A, Line 8, by inserting immediately after said line the following:

"105.454. **1.** No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

- (1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;
- (2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
- (3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or one thousand five hundred dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
- (4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;
- (5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;
- (6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

**2. No elected or appointed member of any ward or county committee shall participate, serve, or perform any service during the time of his or her office with any public educational institution of higher education that provides college level courses of instruction in the same municipality as such member of a ward or county committee. This subsection shall not apply to the participation, service or performance of any service in a public school that provides courses for post-secondary credit.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 19*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 15, Section 115.123, Line 4, by inserting after the word "year." the following:

**"For purposes of adopting legislative and congressional district boundaries, the legislature or any entity that is charged with recommending or adopting legislative or congressional district boundaries shall make its recommendations or determinations using population data from the United States Bureau of the Census identical to those from the actual enumeration conducted by the bureau for the appointment of the Representatives of the United**



**States House of Representatives in the United States decennial census and shall not use census bureau population counts derived from any other means, including the use of statistical sampling, to add or subtract population by inference.";** and

Renumber the remaining subsections accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HBs 603, 722 & 783, as amended**: Senators Goode, Maxwell, Russell, Schneider and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HS HCS HB 793, as amended**: Senators Mathewson, Scott, Johnson, Flotron and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SCS SBs 160 & 82, as amended**: Senators Maxwell, Scott, Goode, Childers and Westfall.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SCS SB 61**: Representatives Hoppe, Foley, Rizzo, Berkstresser and Marble

**HS HCS SS SCS SBs 160 & 82**: Representatives Hoppe, Scheve, Hollingsworth, Lograsso and Ross

**SS SCS HCS HB 267**: Representatives Hoppe, Green, Overshmidt, Griesheimer and Dolan

**SCS HCS HBs 603, 722 & 783**: Representatives Wiggins, Ransdall, Kreider, Griesheimer and Miller

**SS SCS HS HCS HB 793**: Representatives Treadway, O'Connor, O'Toole, Griesheimer and Akin

#### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 1505** - Accounts, Operations and Finance

#### **COMMITTEE REPORTS**

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SCS SB 37**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred the additions to the **FAMILY FARM CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo**.

TO: Representative Robert Clayton, Chairman

House Ethics Committee

FROM: Representative David Klindt

Representative Maurice Lawson

DATE: May 6, 1999

RE: Family Farm Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1998 and the rules of the Missouri House of Representatives, I would like for the following names to be added to the Family Farm Caucus.

Please contact me at 751-1415, if you have questions concerning the new members being added to the caucus.

/s/ Estel Robirds

/s/ Deleta Williams

/s/ Ralph Monaco

TO: Representative Robert Clayton, Chairman

House Ethics Committee

FROM: Representative David Klindt

Representative Maurice Lawson

DATE: May 12, 1999

RE: Family Farm Caucus

In accordance with Section 105.473.3(2)(c)d RSMo 1998 and the rules of the Missouri House of Representatives, I would like for the following name to be added to the Family Farm Caucus.

Please contact me at 751-1415, if you have questions concerning the new members being added to the caucus.

/s/ Gary L. Burton

On motion of Representative Crump, the House recessed until 12:00 a.m.

The hour of recess having expired, the House was called to order by Representative Crump.

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 61**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 61;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Thomas Hoppe /s/ Roseann Bentley

/s/ Henry Rizzo /s/ Morris Westfall

/s/ James Foley /s/ Sidney Johnson

/s/ Gary Marble /s/ Stephen Stoll

/s/ Judy Berkstresser /s/ James Mathewson

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 343**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 343, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 343, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 343;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Joseph Treadway /s/ Harold Caskey

/s/ James Foley /s/ John Scott

/s/ Patrick O'Connor /s/ Ronnie DePasco

/s/ Daniel Hegeman /s/ Morris Westfall

/s/ Roseann Bentley

**CONFERENCE COMMITTEE REPORT**  
**ON**  
**HOUSE SUBSTITUTE**  
**FOR**  
**HOUSE COMMITTEE SUBSTITUTE**  
**FOR**  
**SENATE COMMITTEE SUBSTITUTE**  
**FOR**  
**SENATE BILLS NOS. 308 & 314**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 & 314, with House Amendments Nos. 1, 2, 4 & 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 & 314, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 308 & 314; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 & 314 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Jim O'Toole /s/ John E. Scott  
/s/ Bill Skaggs /s/ Jim Mathewson  
/s/ Mary Hagan-Harrell /s/ Danny Staples  
/s/ Don Lograsso /s/ Walt Mueller  
/s/ Betty Sims

**CONFERENCE COMMITTEE REPORT**  
**ON**  
**SENATE SUBSTITUTE**  
**FOR**  
**SENATE COMMITTEE SUBSTITUTE**  
**FOR**  
**HOUSE SUBSTITUTE**  
**FOR**  
**HOUSE BILL NO. 516**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Bill No. 516;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for



House Bill No. 516, as amended;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Steve Gaw /s/ Edward E. Quick

/s/ Joan Bray /s/ James Mathewson

/s/ Tim Van Zandt /s/ Ken Jacob

/s/ Michael Gibbons /s/ Steve Ehlmann

/s/ Daniel Hegeman /s/ Walt Mueller

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILLS NOS. 160 & 82**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, with House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 10; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendments Nos. 1, 2, 3, 4, 6, 7 and 10, to House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82;

2. That the Senate recede from its position on House Amendment No. 8 to House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82;

3. That the attached Conference Committee Amendment No. 1, be adopted; and

4. That House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, with House Amendment No. 8 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Thomas Hoppe /s/ Joe Maxwell

/s/ Katherine Hollingsworth /s/ Wayne Goode

/s/ May Scheve /s/ John Scott

/s/ Don Lograsso /s/ Doyle Childers

/s/ Morris Westfall

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 107, Section 72.403, Line 21, by inserting immediately after the word "act" the following: ", **except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding other provisions of law to the contrary**".

#### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:00 a.m, Friday, May 14, 1999.

#### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-ninth Day, Wednesday, May 12, 1999, page 2111, line 20, by deleting the word "state" and inserting in lieu thereof the word "school".

Pages 2013 and 2014, roll call, by showing Representatives Hosmer and Levin voting "aye" rather than "absent with leave".

Page 2014, roll call, by showing Representatives Akin, Hosmer, Levin and Wright voting "aye" rather than "absent with leave".

Page 2015, roll call, by showing Representatives Levin and Myers voting "aye" rather than "absent with leave".

Page 2016, roll call, by showing Representatives Kelly (27), Levin, Myers and Purgason voting "aye" rather than "absent with leave".

Pages 2016 and 2017, roll call, by showing Representatives Hosmer, Levin, Myers and Purgason voting "aye" rather than "absent with leave".

Pages 2026 and 2027, roll call, by showing Representatives Bennett, Boatright, Gross, Levin and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 2026 and 2027, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 2031 and 2032, roll call, by showing Representative Black voting "aye" rather than "no".

Pages 2031 and 2032, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".

Pages 2031 and 2032, roll call, by showing Representatives Berkstresser and Franklin voting "no" rather than "absent with leave".

Pages 2037 and 2038, roll call, by showing Representative Secrest voting "no" rather than "absent with leave".

Pages 2038 and 2039, roll call, by showing Representative Ostmann voting "no" rather than "aye".

Pages 2038 and 2039, roll call, by showing Representative Hampton voting "aye" rather than "absent with leave".

Pages 2042, roll call, by showing Representatives Champion, Dolan, Franklin, Reinhart and Smith voting "aye" rather than "absent with leave".

Pages 2044 and 2045, roll call, by showing Representatives Froelker and Myers voting "aye" rather than "absent with leave".

Pages 2046 and 2047, roll call, by showing Representatives Bartle, Berkstresser, Black, Champion, Froelker, Hampton, Myers, Patek and Ward voting "aye" rather than "absent with leave".

Pages 2051 and 2052, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Page 2053, roll call, by showing Representative Gross voting "aye" rather than "no".

Page 2053, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".

Page 2054, roll call, by showing Representatives Hosmer and Murphy voting "aye" rather than "absent with leave".

Pages 2085 and 2086, roll call, by showing Representatives Barry, Fitzwater and Hosmer voting "aye" rather than "absent with leave".

Pages 2086 and 2087, roll call, by showing Representatives George and Hosmer voting "aye" rather than "absent with leave".

Pages 2086 and 2087, roll call, by showing Representatives Long and Parker voting "no" rather than "absent with leave".

Page 2103, roll call, by showing Representatives Burton, George, Hosmer, Luetkenhaus and Parker voting "no" rather than "absent with leave".

Page 2103, roll call, by showing Representatives Chrismer, Long and Surface voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **ACCOUNTS, OPERATIONS, AND FINANCE**

Friday, May 14, 1999, 8:30 am. Room 414. Executive session to follow.

## **HOUSE CALENDAR**

SEVENTY-FIRST DAY, FRIDAY, MAY 14, 1999

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

1 HJR 20, as amended - Gratz

2 HJR 38 - Seigfreid

3 HJR 35 - Williams (121)

4 HCS HJR 4 & 21 - Graham (24)

5 HJR 30 - Shelton

6 HJR 32 - O'Connor

### **HOUSE BILLS FOR PERFECTION**

1 HCS HB 769, as amended - Bray

2 HCS HB 934 - Treadway

3 HCS HB 456 - Fitzwater

4 HB 856 - Ford

5 HCS HB 640 - Campbell

6 HCS HB 354 - Barry

7 HCS HB 709 - Leake  
8 HB 844 - Gratz  
9 HB 519 - Relford  
10 HCS HB 535 - May (108)  
11 HB 406 - Mays (50)  
12 HB 146, HCA 1 - Wiggins  
13 HB 787 - Wiggins  
14 HB 59, HCA 1 - Boucher  
15 HB 699, HCA 1 - Kreider  
16 HCS HB 142 - Campbell  
17 HCS HB 488, 206 & 357 - May (108)  
18 HB 85 - Troupe  
19 HCS HB 200 - Troupe  
20 HCS HB 89 - Troupe  
21 HB 717 - Harlan  
22 HCS HB 160 - O'Toole  
23 HCS HB 730 - Leake  
24 HCS HB 194 - Reynolds  
25 HCS HB 908 - McBride  
26 HB 105 - Scheve  
27 HCS HB 54 - Boucher  
28 HB 1021 - Boucher  
29 HB 919 - Harlan

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HCS HB 643, 710 & 711 - Bray  
2 HB 952, HA 1, HS, pending - Koller

#### **HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 20, (2-24-99, pgs. 511 & 512) - Thompson (37)

#### **HOUSE BILL FOR THIRD READING**

HS HB 753, (Fiscal Review 3-31-99) - Rizzo

#### **SENATE BILLS FOR THIRD READING**

1 HCS SB 518 - Rizzo  
2 SS SCS SB 19, HS, as amended, and HCA 1 pending, E.C. - Koller  
3 HCS SS SB 289 - Days  
4 HCS SCS SB 394 - Hoppe  
5 SCS SB 325, HCA 1 - Treadway  
6 HCS SB 371 - Hosmer  
7 HCS SB 180, E.C. - Hagan-Harrell



- 8 HCS SCS SB 328, 87, 100 & 55 - Hosmer
- 9 HCS SCS SB 322, 150 & 151, E.C. (Fiscal Review 5-10-99) - Dougherty
- 10 SB 71
- 11 HCS SCS SB 282, (Fiscal Review 5-10-99) - Bray
- 12 HCS SB 451, (Fiscal Review 5-12-99) - Hosmer

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

- 1 SB 4 - Thompson (37)
- 2 HCS SB 399, HS, as amended, pending. E.C. - Davis (122)
- 3 HCS SCS SB 346 - Days

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS#2 HCS HB 889, as amended, E.C. - Fitzwater
- 2 SS SCS HCS HB 676, as amended, E.C. - Days

#### **BILLS CARRYING REQUEST MESSAGES**

- 1 HB 261, SA 1 (Req. House take up and pass bill) - Auer
- 2 CCS SS SCS HB 65, (Req. House to return bill to Senate for further consideration) - O'Toole
- 3 HS HCS SS SCS SB 14, 60 & 69, as amended (Req. House recede or grant conf.) - Scheve

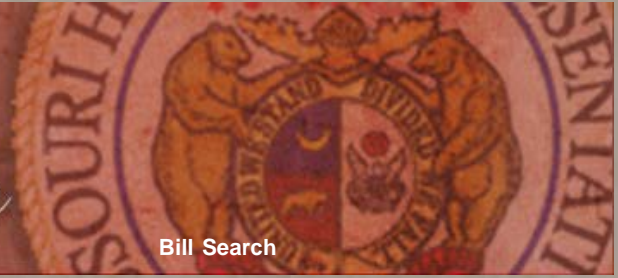
#### **BILLS IN CONFERENCE**

- 1 HS HCS SCS SB 436, as amended - Hoppe
- 2 HS HCS SS SCS SB 338, as amended - Harlan
- 3 HCS SS#2 SB 288, as amended - McLuckie
- 4 CCR SCS HCS HB 343, as amended, E.C. - Treadway
- 5 SCS HS HCS HB 852 - Hosmer
- 6 HS HCS SS SCS SB 335, as amended - Parker
- 7 CCR HS HCS SCS SB 61, as amended - Hoppe
- 8 CCR HS HCS SCS SB 308 & 314, as amended - Skaggs
- 9 CCR SS SCS HS HB 516, as amended, E.C. - Bray
- 10 SS SCS HS HCS HB 701, as amended - Rizzo
- 11 CCR HS HCS SS SCS SB 160 & 82, as amended - Hoppe
- 12 SS SCS HS HCS HB 793, as amended - Treadway
- 13 SS SCS HCS HB 267, as amended - Hoppe
- 14 SCS HCS HB 603, 722 & 783, as amended - Wiggins



# MISSOURI

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## House Journal

First Regular Session, 90th General Assembly

SEVENTY-FIRST DAY, Friday, May 14, 1999

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God, You lead us into all truth, prepare our hearts and minds for the business of this day, that we act with courtesy and honor.

We pray for the good of this state, and for all who work for that good.

And we offer You our Thanksgiving for the hard work of colleagues and staff in these months.

Dismiss us now with Your grace, and grant that we part friends, in good humor and united for Missouri's Welfare. Bless our nation. Bless this state. Bless this House. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jennifer Townsend, Preston Martin, Guysell Dixon, Michelle Johnson, Emily Huffman, Catrina Huffman, Alex LaFave, Nathan LaFave, Caleb Riekhof, Gabe Riekhof, Hannah Riekhof, Lee McFadden, Blake McFadden, Daniel Matteucci, Florina Matteucci, Jessica Enz, Craig Enz, Jeremy Ketchum, Chase Michael Hunter, Gwen Bebee and Daniel P. Reardon IV.

The Journal of the seventieth day was approved as corrected.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1510 - Representatives Holand and Gross

House Resolution No. 1511 and House Resolution No. 1512 - Representative Loudon

House Resolution No. 1513 and House Resolution No. 1514 - Representative Summers

House Resolution No. 1515 - Representative Bartle

House Resolution No. 1516 - Representatives Wagner, Abel and Selby

House Resolution No. 1517 - Representatives McLuckie and Liese

House Resolution No. 1518 - Representative Pouche

House Resolution No. 1519 - Representative Marble

House Resolution No. 1520 - Representative Enz

House Resolution No. 1521 through House Resolution No. 1523 - Representatives Liese and Riley

House Resolution No. 1524 - Representative Dolan

House Resolution No. 1525 through House Resolution No. 1535 - Representatives Kelley (47) and Bartle

House Resolution No. 1536 - Representative McClelland

House Resolution No. 1537 - Representative Townley

House Resolution No. 1538 through House Resolution No. 1544 - Representatives Kelley (47) and Bartle

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 322, 150 & 151 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 451 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## MOTION

Representative Backer moved that Rule 26 be suspended to allow the Committee on Fiscal Review to meet on May 14, 1999, while the House is in session.

Which motion was adopted by the following vote:

AYES: 145

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall  
Reinhart Relford Reynolds Richardson Riley  
Rizzo Robirds Ross Scheve Schilling  
Schwab Seigfreid Selby Shelton Shields  
Skaggs Smith Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Williams 159 Wilson Mr. Speaker

NOES: 002

Hanaway Wright

PRESENT: 001

Reid

ABSENT WITH LEAVE: 013

Bartle Lograsso Long Murphy Ridgeway  
Sallee Scott Secrest Stokan Thompson 72  
Troupe Wiggins Williams 121

VACANCIES: 002

#### **BILL IN CONFERENCE**

**CCR SCS HCS HB 343, as amended**, relating to professional registration, was taken up by Representative Treadway.

On motion of Representative Treadway, **CCR SCS HCS HB 343, as amended**, was adopted by the following vote:

AYES: 097

Abel Akin Alter Auer Backer  
Barry 100 Bennett Berkowitz Black Bonner  
Bray 84 Burton Chrismer Cierpiot Clayton  
Crump Davis 122 Dolan Evans Farnen  
Fitzwater Foley Ford Franklin Gaskill  
Graham 106 Graham 24 Gratz Gross Hagan-Harrell  
Hampton Harlan Hartzler 123 Hegeman Hendrickson  
Hickey Hilgemann Holand Hollingsworth Hoppe  
Kasten Kelley 47 Kennedy Kissell Klindt



Koller Kreider Lakin Leake Levin  
Liese Linton Lograsso Long Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Patek Pouche Ransdall Reid Relford  
Reynolds Rizzo Robirds Ross Scheve  
Schilling Schwab Secrest Shelton Shields  
Skaggs Stokan Summers Thompson 37 Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Mr. Speaker

NOES: 061

Ballard Barnett Bartelsmeyer Bartle Berkstresser  
Blunt Boatright Boucher Boykins Britt  
Campbell Carter Champion Crawford Daniel  
Davis 63 Days Dougherty Elliott Enz  
Foster Fraser Froelker Gambaro George  
Gibbons Green Griesheimer Gunn Hanaway  
Hartzler 124 Hohulin Hosmer Howerton Kelly 27  
King Lawson Legan Loudon McLuckie  
Merideth Miller Monaco Murphy Parker  
Pryor Purgason Reinhart Richardson Riley  
Sallee Scott Seigfreid Selby Smith  
Surface Townley Williams 121 Williams 159 Wilson  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Ridgeway Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Treadway, **CCS SCS HCS HB 343** was read the third time and passed by the following vote:

AYES: 115

Abel Akin Alter Auer Backer  
Barry 100 Bennett Berkowitz Black Bonner  
Boykins Bray 84 Burton Campbell Carter  
Champion Chrismer Crawford Crump Daniel  
Davis 122 Days Dolan Farnen Fitzwater

Foley Ford Franklin Fraser Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hegeman  
Hendrickson Hickey Hilgemann Holand Hollingsworth  
Hoppe Howerton Kasten Kelley 47 Kennedy  
Kissell Klindt Koller Kreider Lakin  
Leake Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Patek  
Pouche Ransdall Reid Reinhart Relford  
Reynolds Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Secrest  
Shelton Shields Skaggs Stokan Summers  
Thompson 37 Treadway Van Zandt Vogel Wagner  
Ward Wiggins Williams 159 Wilson Mr. Speaker

NOES: 043

Ballard Barnett Bartelsmeyer Bartle Berkstresser  
Blunt Boatright Boucher Britt Cierpiot  
Clayton Davis 63 Dougherty Elliott Enz  
Evans Foster Froelker Griesheimer Hartzler 124  
Hohulin Hosmer Kelly 27 King Lawson  
Legan McLuckie Merideth Miller Murphy  
Parker Pryor Purgason Richardson Scott  
Seigfreid Selby Smith Surface Townley  
Tudor Williams 121 Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 119

Abel Auer Backer Barnett Barry 100  
Berkowitz Black Boatright Bonner Boucher  
Bray 84 Britt Burton Campbell Champion  
Chrismer Clayton Crawford Crump Davis 122  
Days Dolan Dougherty Evans Farnen  
Fitzwater Foley Ford Franklin Fraser  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Green Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hegeman Hendrickson Hickey Hilgemann Holand  
Hollingsworth Hoppe Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murray Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Patek Ransdall  
Relford Reynolds Richardson Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Seigfreid Shelton Shields Skaggs  
Stokan Thompson 37 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 038

Akin Alter Ballard Bartelsmeyer Bartle  
Bennett Berkstresser Blunt Boykins Carter  
Cierpiot Davis 63 Elliott Enz Foster  
Froelker Griesheimer Hartzler 124 Hohulin Hosmer  
Howerton Lograsso McLuckie Murphy Myers  
Parker Pouche Pryor Purgason Reid  
Reinhart Scott Secrest Selby Smith  
Summers Surface Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Daniel Ridgeway Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Auer, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

Representative Reynolds assumed the Chair.

#### **BILLS CARRYING REQUEST MESSAGES**

**HB 261, with Senate Amendment No. 1**, relating to transportation sales taxation, was taken up by Representative Auer.

On motion of Representative Auer, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 137

Abel Akin Alter Auer Barnett

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Black Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hickey

Hilgemann Holand Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Long Loudon Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor Ostmann

Overschmidt Parker Ransdall Reinhart Relford

Reynolds Richardson Riley Rizzo Robirds

Ross Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Surface Thompson 37

Townley Treadway Tudor Van Zandt Vogel



Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 014

Ballard Blunt Boatright Hendrickson Hohulin

Linton Lograsso Marble Patek Pouche

Pryor Purgason Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Backer Barry 100 Daniel Hollingsworth O'Toole

Ridgeway Sallee Summers Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Auer, **HB 261, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 138

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro Gaskill

George Gibbons Graham 106 Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hegeman

Hickey Hilgemann Holand Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Long Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Ransdall Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Townley Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 016

Ballard Blunt Boatright Evans Hartzler 124  
Hendrickson Hohulin Linton Lograsso Loudon  
Murphy Patek Pryor Purgason Reid  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Hollingsworth Myers Ridgeway Seigfreid Thompson 72  
Treadway Troupe

VACANCIES: 002

Representative Reynolds declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Davis (122) moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HS HCS SS SCS SBs 14, 60 & 69, as amended**, relating to tax relief for senior citizens, was taken up by Representative Scheve.

Representative Scheve moved that the House refuse to recede from its position on **HS HCS SS SCS SBs 14, 60 & 69, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Gaw assumed the Chair.

#### APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SS SCS SBs 14, 60 & 69:** Representatives Scheve, Bray, Selby, McClelland and Patek

**HS HCS SS SCS SB 335:** Representatives Parker, Hosmer, Britt, Hanaway and Richardson

### THIRD READING OF SENATE BILL

**SS SCS SB 19, with HS, as amended, and House Committee Amendment No. 1, pending,** relating to motor vehicles, was taken up by Representative Koller.

Representative Bennett offered **House Amendment No. 20.**

**House Amendment No. 20** was withdrawn.

Representative Boucher offered **House Amendment No. 20.**

*House Amendment No. 20*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Section 301.142, Page 10, by inserting after said section:

**"301.147. 1. The director of the department of revenue shall, upon the request of any person who is issued special license plates or a removable windshield placard pursuant to section 301.142 and who uses a wheelchair or transports a person who uses a wheelchair, allow the person to obtain a parking cone bearing the international symbol of accessibility and the words "wheelchair parking". Parking cones obtained pursuant to this section shall be predominantly orange, fluorescent red-orange, or fluorescent yellow-orange, not less than eighteen inches in height and shall be made of a material that can be struck without damaging vehicles on impact. Parking cones shall be purchased by any person wishing to use such cone.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend the title and enacting clause accordingly.

On motion of Representative Boucher, **House Amendment No. 20** was adopted.

Representative Kennedy offered **House Amendment No. 21.**

*House Amendment No. 21*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 18, Section 301.190, Line 13 of said page, by inserting after all of said line the following:

**"301.467. 1. Any paramedic or emergency medical technician may, after an annual payment of an emblem-use authorization fee to the Missouri Emergency Medical Services Association as provided in subsection 2 of this section, apply for emergency medical services license plates for any motor vehicle such person owns, either solely or jointly, for issuance either for a passenger motor vehicle subject to the registration fees as provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twelve thousand pounds as provided in section 301.057 or 301.058. The Missouri Emergency Medical Services Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.**

**2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Missouri Emergency Medical Services Association, the Missouri Emergency Medical Services Association shall issue to the person, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri Emergency Medical Services Association and the words "PARAMEDIC" or the words "EMERGENCY MEDICAL TECHNICIAN" in place of the words "SHOW-ME-STATE" to the person. The emblem, seal or logo shall be reproduced on the license plate in as a clear and defined manner as possible. If the emblem, seal or logo is unacceptable to the Missouri Emergency Medical Services Association, it shall be the Missouri Emergency**

Medical Services Associations responsibility to furnish the artwork in a digitalized format. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. The director shall issue no more than one set of such license plates to a qualified applicant. License plates issued pursuant to the provisions of this section shall not be transferable to any other person, except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."

On motion of Representative Kennedy, **House Amendment No. 21** was adopted.

Representative Merideth offered **House Amendment No. 22**.

*House Amendment No. 22*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

**"Section 10. In any action seeking an award of damages for personal injuries or property damage, no award of damages on any such claim shall be made to a claimant who, at the time of the claimant's injuries:**

**(1) Was operating a motor vehicle in an intoxicated condition as defined in section 577.001, RSMo; and**

**(2) Was more than fifty percent responsible for the injuries sustained by such claimant."; and**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Merideth, **House Amendment No. 22** was adopted.

Representative Ward offered **House Amendment No. 23**.

*House Amendment No. 23*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 207, Section 643.355, Line 16, by inserting immediately after said line the following: **"Allows State of Missouri to build a direct route consisting of two westbound lanes and two eastbound lanes uninterrupted from interstate I-55 in Jefferson County located on or about A Highway going through Jefferson, Franklin, Gasconade, Osage and Cole County to the city limits of Jefferson City. Funding for this route will be recaptured through toll charges."**

On motion of Representative Ward, **House Amendment No. 23** was adopted.

Representative Legan offered **House Amendment No. 24**.

*House Amendment No. 24*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 1, In the Title, Line 8 of said page, by inserting after the number "301.190," the number "301.191,"; and

Further amend said bill, Page 1, In the Title, Line 14 of said page, by deleting the word "fifty-six" and inserting in lieu thereof the word "fifty-seven"; and

Further amend said bill, Page 1, Section A, Line 23 of said page, by inserting after the number "301.190," the number "301.191,"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by inserting after the number "301.190," the number



"301.191,"; and

Further amend said bill, Page 10, Section 301.190, Line 1 of said page, by inserting after all of said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. **If the inspection is completed by the sheriff**, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."

On motion of Representative Legan, **House Amendment No. 24** was adopted.

Representative Koller offered **House Amendment No. 25**.

*House Amendment No. 25*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 200, Section 643.315, Line 13 of said page, by deleting the word "fourteen" and inserting in lieu thereof the phrase "[fourteen] **ten**"; and

Further amend said bill, Page 201, Section 643.315, Line 10 of said page, by deleting the word "fourteen" and inserting in lieu thereof the phrase "[fourteen] **ten**".

On motion of Representative Koller, **House Amendment No. 25** was adopted.

Representative Froelker offered **House Amendment No. 26**.

*House Amendment No. 26*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 121, Section 137.130, Line 10 of said page, by inserting after said line the following:

**"137.131. In the event that an assessor incorrectly or inaccurately assesses real or personal property of a taxpayer, the assessor or the proper taxing authority shall refund to the affected taxpayer any taxes which were found to be incorrectly or inaccurately levied together with interest at a rate as determined in section 32.065, RSMo.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Froelker, **House Amendment No. 26** was adopted.

Representative Loudon offered **House Amendment No. 27**.

**House Amendment No. 27** was withdrawn.

Representative Burton offered **House Amendment No. 27**.

*House Amendment No. 27*

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 216, Section 5, Line 23, by inserting immediately after the period "." the following:

**"The department of revenue shall assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections 1 to 6 of this act."**

On motion of Representative Burton, **House Amendment No. 27** was adopted.

On motion of Representative Koller, **HS SS SCS SB 19, as amended**, was adopted.

On motion of Representative Koller, **HS SS SCS SB 19, as amended**, was read the third time and passed by the following vote:

AYES: 130

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Britt Burton

Carter Champion Clayton Crawford Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Fraser Gaskill

George Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hoppe Hosmer

Howerton Kelley 47 King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkenhaus Marble May 108 Mays 50

McKenna Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Purgason Ransdall Reid Reinhart Relford

Reynolds Richardson Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Secret Seigfreid Selby Shelton Shields  
Skaggs Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Vogel Wagner  
Ward Wiggins Williams 159 Wright Mr. Speaker

NOES: 016

Auer Bray 84 Campbell Chrismer Gambaro  
Graham 24 Kelly 27 McBride McClelland McLuckie  
Pouche Pryor Smith Van Zandt Williams 121  
Wilson

PRESENT: 000

ABSENT WITH LEAVE: 015

Cierpiot Crump Franklin Froelker Gibbons  
Harlan Hollingsworth Kasten Kennedy Lograsso  
Luetkemeyer Ridgeway Scott Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 108

Abel Alter Auer Backer Barry 100  
Bartelsmeyer Bartle Berkowitz Berkstresser Blunt  
Bonner Boucher Britt Burton Carter  
Champion Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foster Franklin Fraser Froelker George  
Graham 106 Gratz Green Griesheimer Gunn  
Hagan-Harrell Hampton Hartzler 123 Hartzler 124 Hegeman  
Hilgemann Hollingsworth Hoppe Hosmer Kasten  
Kelley 47 Kennedy King Kissell Klindt  
Kreider Lakin Lawson Legan Levin  
Liese Linton Long Loudon Luetkenhaus  
Marble May 108 Mays 50 McBride McKenna  
Merideth Miller Murphy Murray Naeger  
Nordwald O'Connor Overschmidt Parker Patek  
Ransdall Relford Reynolds Riley Rizzo

Ross Sallee Scheve Schilling Schwab  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Stokan Summers Surface Townley  
Treadway Tudor Vogel Wagner Ward  
Williams 159 Wilson Mr. Speaker

NOES: 037

Akin Ballard Barnett Black Boatright  
Bray 84 Campbell Chrismer Enz Gambaro  
Graham 24 Gross Hanaway Harlan Hendrickson  
Hohulin Holand Howerton Kelly 27 Koller  
Leake Luetkemeyer McClelland McLuckie Monaco  
Myers Pouche Pryor Purgason Reid  
Reinhart Richardson Smith Van Zandt Wiggins  
Williams 121 Wright

PRESENT: 000

ABSENT WITH LEAVE: 016

Bennett Boykins Foley Ford Gaskill  
Gibbons Hickey Lograsso O'Toole Ostmann  
Ridgeway Robirds Scott Thompson 37 Thompson 72  
Troupe

VACANCIES: 002

On motion of Representative Britt, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 267, as amended**: Senators Scott, Wiggins, Mathewson, Klarich and Yeckel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SCS SB 61, as amended**, and has taken up and passed **CCS HS HCS SCS SB 61**.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

#### HOUSE BILL WITH SENATE AMENDMENTS

**SS SCS HCS HB 676, as amended**, relating to elections, was taken up by Representative Days.

Representative Days moved that the House refuse to adopt **SS SCS HCS HB 676, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, relating to court procedure and jurisdiction, was taken up by Representative May (108).

Representative May (108) moved that the House refuse to recede from its position on **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, and grant the Senate a conference.

Representative Davis (63) made a substitute motion that the House refuse to recede from its position on **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, and grant the Senate a conference and the conferees be bound to retain the position of the House on House Substitute Amendment No. 1 for House Amendment No. 7.

Which motion was adopted by the following vote:

AYES: 102

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Bennett Berkowitz Berkstresser Black

Blunt Boatright Burton Champion Chrismer

Cierpiot Crawford Crump Davis 63 Dolan

Elliott Enz Evans Farnen Foster

Froelker Gaskill Gibbons Graham 106 Gratz

Green Griesheimer Gross Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hickey Hohulin

Holand Hoppe Howerton Kasten Kelley 47

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble Mays 50 McBride McClelland

McKenna Merideth Miller Murphy Murray

Myers Naeger Nordwald O'Connor Ostmann

Overschmidt Pryor Purgason Ransdall Reid

Reinhart Reynolds Robirds Ross Sallee

Schwab Scott Secrest Seigfreid Selby

Shields Summers Surface Thompson 37 Townley

Tudor Vogel Wagner Ward Wiggins

Williams 159 Wright

NOES: 051

Abel Auer Backer Barry 100 Bonner

Boucher Bray 84 Campbell Carter Clayton

Davis 122 Days Dougherty Fitzwater Ford

Franklin Fraser Gambaro George Graham 24

Gunn Hagan-Harrell Harlan Hendrickson Hilgemann

Hollingsworth Hosmer Kelly 27 Kennedy Lakin

May 108 McLuckie Monaco O'Toole Parker

Patek Pouche Relford Riley Rizzo

Scheve Schilling Shelton Skaggs Smith

Stokan Treadway Van Zandt Williams 121 Wilson

Mr. Speaker

PRESENT: 001

Britt

ABSENT WITH LEAVE: 007

Boykins Daniel Foley Richardson Ridgeway

Thompson 72 Troupe

VACANCIES: 002

### THIRD READING OF SENATE BILL

**HCS SS SB 289**, relating to St. Louis vocational education, was taken up by Representative Days.

Representative Shields offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 289, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.534. [For fiscal year 1996 and each subsequent fiscal year.] **1. Except as provided in subsection 2 of this section**, any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. Such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo.

**2. The moneys transferred pursuant to this section shall be transferred on a monthly basis as follows:**

**(1) For fiscal year 2001, twenty percent to the year 2000 classroom fund and eighty percent to the state school moneys fund;**

**(2) For fiscal year 2002, forty percent to the year 2000 classroom fund and sixty percent to the state school moneys fund;**

**(3) For fiscal year 2003, sixty percent to the year 2000 classroom fund and forty percent to the state school moneys fund;**

(4) For fiscal year 2004, eighty percent to the year 2000 classroom fund and twenty percent to the state school moneys fund; and

(5) For fiscal year 2005, one hundred percent to the year 2000 classroom fund.

3. The amount transferred annually pursuant to each subdivision of subsection 2 of this section to the year 2000 classroom fund shall be replaced in the state school moneys fund from general revenue.

4. The provisions of subsection 3 of this section shall not be interpreted to reduce the amount of funding to be appropriated for the foundation formula pursuant to section 163.031, RSMo."; and

Further amend said bill, Page 4, Section 162.867, Line 72, by inserting after all of said line the following:

"164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred [to the state school moneys fund,] as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.

**Section 1. 1. For fiscal year 2000 and each subsequent fiscal year, the "Year 2000 Classroom Fund", which is hereby created in the state treasury, shall be distributed to each school district on a per eligible pupil basis and shall not be subject to deduction as local wealth pursuant to section 163.031, RSMo. The moneys distributed pursuant to this section shall be exempt from salary compliance pursuant to section 165.016, RSMo. The moneys may be used by the district for:**

**(1) School construction, renovation or leasing;**

**(2) Teacher recruitment, retention, salaries or professional development;**

**(3) Technology enhancements or textbooks or instructional materials; or**

**(4) Career and vocational education.**

**2. Funds distributed pursuant to this section shall be placed in the incidental fund of the school district. The school district may transfer such funds from the incidental fund to any other school district fund without restriction."**

Representative McLuckie raised a point of order that **House Amendment No. 1** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Auer assumed the Chair.

Speaker Gaw resumed the Chair.

On motion of Representative Shields, **House Amendment No. 1** was adopted by the following vote:

AYES: 109

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Bray 84 Britt

Burton Champion Chrismer Cierpiot Crawford

Dolan Dougherty Elliott Enz Evans

Foster Fraser Froelker Gambaro Gibbons

Graham 106 Gratz Griesheimer Gross Hagan-Harrell

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hilgemann Hohulin Holand Hollingsworth Hoppe  
Howerton Kasten Kelley 47 King Kissell  
Klindt Koller Lakin Lawson Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
McBride McClelland Merideth Miller Monaco  
Murphy Myers Naeger Nordwald O'Toole  
Ostmann Patek Pouche Pryor Purgason  
Reid Reinhart Reynolds Richardson Rizzo  
Robirds Ross Sallee Scheve Schwab  
Scott Secrest Shields Skaggs Stokan  
Summers Surface Townley Treadway Tudor  
Vogel Wagner Williams 159 Wright

NOES: 046

Campbell Carter Clayton Crump Daniel  
Davis 122 Davis 63 Days Farnen Fitzwater  
Foley Ford Franklin George Graham 24  
Green Gunn Hampton Harlan Hickey  
Hosmer Kelly 27 Kennedy Kreider Leake  
Mays 50 McLuckie Murray O'Connor Overschmidt  
Parker Ransdall Relford Riley Schilling  
Seigfreid Selby Shelton Smith Thompson 37  
Van Zandt Ward Wiggins Williams 121 Wilson  
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Boykins Gaskill McKenna Ridgeway Thompson 72  
Troupe

VACANCIES: 002

Representative Auer offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 289, Page 4, Section 162.867, Line 73, by inserting after subsection "6.", the following:

**"7. Any metropolitan school district who has individuals who work in said district which are employed by the state of Missouri who participate in a vocational education program as provided in said section and which has at least a five percent shortage of certified teachers may apply to the department of elementary and secondary education for**



waivers to allow retired teachers to teach in said metropolitan school district for up to two years without losing his or her retirement benefits. Said retired teacher need not be in the teachers salary scale. Said metropolitan school district shall place an emphasis on hiring retired teachers in areas that include but are not limited to, improving student reading, math, science and special education.

(1) The department of elementary and secondary education shall adopt rules to implement the provisions of said subsection 7.

(2) No rule or portion of a rule promulgated pursuant to the authority of subsection 7 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536 RSMo."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Auer, **House Amendment No. 2** was adopted.

The Speaker announced the handler of **HCS SS SB 289** will be Representative Fitzwater.

Speaker Pro Tem Kreider resumed the Chair.

Representative Relford offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 289, Page 4, Section 162.867, Line 72, by adding after all of said line the following:

**"Section 1. Notwithstanding the provisions of chapter 163, RSMo, to the contrary, for the purposes of determining state aid, a nonresident student enrolled pursuant to an contract entered into pursuant to Subsection 2 of Section 167.164, to provide alternative education may be counted, at the election of the serving school district, as a resident pupil.";** and

Further amend the title and enacting clause accordingly.

On motion of Representative Relford, **House Amendment No. 3** was adopted.

On motion of Representative Fitzwater, **HCS SS SB 289, as amended**, was adopted.

On motion of Representative Fitzwater, **HCS SS SB 289, as amended**, was read the third time and passed by the following vote:

AYES: 149

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Cierpiot

Clayton Crawford Crump Daniel Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Myers Naeger Nordwald O'Connor  
Ostmann Overschmidt Parker Patek Pouche  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright

NOES: 003

Green Kreider Murray

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Chrismer Murphy O'Toole Pryor

Ridgeway Thompson 72 Troupe Mr. Speaker

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Gambaro moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

## BILL IN CONFERENCE

**CCR SS SCS HS HB 516, as amended**, relating to income tax personal exemption, was taken up by Representative Bray.

Representative Bray offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Section 143.124, Page 20, Line 14, by inserting after the word "include" the words "**401(k) plans, deferred compensation plans,**"; and

Further amend said section, Page 20, Line 17, by inserting after the word "Code," the words "**but not including Roth IRAs,**"; and

Further amend said section, Page 20, Line 20, by inserting after the word "state." the words "**An individual taxpayer shall only be allowed a maximum deduction of six thousand dollars pursuant to this section. Taxpayers filing combined returns shall only be allowed a maximum deduction of six thousand dollars for each taxpayer on the combined return.**".

Further amend said substitute, Page 48, Section 144.030, Line 10, of said page by deleting the words "**and food**" and inserting in lieu thereof the words "**or food**"; and

Further amend said section, Page 48, Line 13, of said page by deleting the word and number "**and 541940**" and inserting in lieu thereof the word and number "**or 541940**"; and

Further amend said substitute, Page 53, Section 147.010, Line 6, of said page by deleting the words "**secretary of state**" and inserting in lieu thereof the words "**director of revenue**".

On motion of Representative Bray, **House Perfecting Amendment No. 1** was adopted.

Representative Bray moved that **CCR SS SCS HS HB 516, as amended**, be adopted.

Representative Reynolds made a substitute motion that the House refuse to adopt **CCR SS SCS HS HB 516, as amended**, and request the Senate to grant the House further conference with conferees bound to the Senate's position on Senate Amendment No. 20 and bound to reject Senate Amendment No. 22.

The Chair ruled the substitute motion out of order.

Representative Reid offered **House Amendment No. 1**.

Representative Bray raised a point of order that **House Amendment No. 1** to **CCR SS SCS HS HB 516, as amended**, is not in order.

The Chair ruled the point of order well taken.

Representative Bray again moved that **CCR SS SCS HS HB 516, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 150

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Bennett  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Daniel  
Davis 122 Davis 63 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Franklin Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Green Gross Gunn Hagan-Harrell  
Hampton Hanaway Harlan Hartzler 123 Hartzler 124  
Hegeman Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Relford Richardson Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 007

Akin Elliott Gratz Griesheimer Hendrickson  
Levin Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 004

Ridgeway Scott Thompson 72 Troupe

VACANCIES: 002



On motion of Representative Bray, **CCS SS SCS HS HB 516, as amended by House Perfecting Amendment No. 1**, was read the third time and passed by the following vote:

AYES: 158

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Townley Treadway Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 157

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Townley Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Ridgeway Thompson 72 Treadway Troupe

VACANCIES: 002

On motion of Representative Wagner, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SCS SBs 308 & 314, as amended**, and has taken up and passed **CCS HS HCS SCS SBs 308 & 314**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SCS SBs 14, 60 & 69, as amended**: Senators Mathewson, Maxwell, Goode, Bentley and Steelman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SBs 387, 206 & 131, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

#### BILL CARRYING REQUEST MESSAGE

**HS HCS SCS SBs 387, 206 & 131, as amended**, relating to public assistance programs, was taken up by Representative Gunn.

Representative Gunn moved that the House refuse to recede from its position on **HS HCS SCS SBs 387, 206 & 131, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS HCS SCS SBs 387, 206 & 131**: Representatives Gunn, Hollingsworth, Monaco, Purgason and Gross

Speaker Pro Tem Kreider resumed the Chair.

## COMMITTEE REPORTS

**Committee on Accounts, Operations and Finance**, Chairman Skaggs reporting:

Mr. Speaker: Your Committee on Accounts, Operations and Finance, to which was referred **HR 1505**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Resolution No. 1505

WHEREAS, the provisions of section 21.155, RSMo, sets forth that the House of Representatives may be resolution continue in employment such number of employees after adjournment as may be necessary for operation during the interim period; and

WHEREAS, the House of Representatives will have need for (a) secretarial, (b) administrative and (c) research, budget and support staff after adjournment on May 14, 1999; and

WHEREAS, the House of Representatives employees are designated and funded in House Bill No. 12, including those employees who may be needed for veto or extra special sessions of the House.

NOW, THEREFORE, BE IT RESOLVED that the Committee on Accounts, Operations and Finance of the House of Representatives may employee for the period between May 14, 1999 through January 5, 2000, such employees as are authorized in the appropriations of the House of Representatives and as are deemed necessary by the Accounts, Operations and Finance Committee. Such employees to include the secretarial, administrative, research budget and support staff personnel not to exceed that authorized pursuant to the appropriation bill authorizing funding for the General Assembly.

**Committee on Miscellaneous Bills and Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SS SCS SB 525**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

## HOUSE RESOLUTION

**HR 1505**, relating to interim staff, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **HR 1505** was adopted.

## THIRD READING OF SENATE BILL

**HCS SB 371**, relating to forfeitures by law enforcement agencies, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HCS SB 371**.

Representative Carter offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 4, Section 57.010, by inserting after the end of all of said section:

"84.140. 1. The boards shall grant every member of the police force hired prior to May 1, 1986, a total of three weeks vacation each year with pay, and each member of the police force who has served the department for twelve years or more shall receive four weeks vacation each year with pay, and each member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay; however, the boards shall grant every member



of the police force hired on or after May 1, 1986, a total of two weeks vacation each year with pay, and each such member of the police force who has served the department for five years or more shall receive three weeks vacation each year with pay, and each such member of the police force who has served the department for twelve years or more shall receive four weeks vacation each year with pay, and each such member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay. All members of the police force shall receive fourteen holidays with pay, and one hundred four days off duty each year with pay, and the boards may from time to time grant additional days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

**2. The St. Louis board of police commissioners may compensate the chief of police for any vacation leave accumulated in lieu of providing vacation days off with pay if such arrangement for compensation is agreed to by both the board and the chief of police.";** and

Further amend title and enacting clause accordingly.

On motion of Representative Carter, **House Amendment No. 1** was adopted.

Representative Kissell offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 20, Section 513.653, Line 6, by inserting after all of said line the following:

**"Section 1. As used in sections 1 to 5 of this act, the following terms mean:**

(1) **"Employing law enforcement agency" or "law enforcement agency", this state or any political subdivision in this state that employs law enforcement officers certified as required by chapter 590, RSMo;**

(2) **"Grievance committee", the committee, consisting of one or more individuals as established by the written guidelines of the department's policy and procedures manual, which may include already established personnel boards;**

(3) **"Grievance hearing", any hearing conducted by a grievance committee for the purpose of determining the facts regarding an occurrence which may lead to punitive action against a law enforcement officer;**

(4) **"Law enforcement officer" or "officer", any person who is regularly employed by an employing law enforcement agency and certified under chapter 590, RSMo, who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state. This term shall not include an officer serving in probationary status upon initial employment, highway patrol members, water patrol members, conservation agents, state park rangers, or an elected sheriff, elected marshal, appointed chief of police or any chief deputy, deputy or undersheriff of a sheriff's department;**

(5) **"Punitive action", any disciplinary action as set forth in the written guidelines of the department's policy and procedures manual, except a written or oral reprimand, taken against a law enforcement officer by the employing law enforcement agency, including but not limited to dismissal, demotion, suspension, reduction in salary, withholding of salary, or a disciplinary transfer.**

**Section 2. The provisions of sections 1 to 5 of this act shall not apply to any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request and have a grievance hearing and the results of such hearing reduced to writing, and the results are appealable to the circuit court.**

**Section 3. 1. Any law enforcement officer who is the subject of punitive action shall at a minimum be furnished with a written statement and citations from the employing law enforcement agency's written and distributed policies and procedures for the reason of the punitive action.**

**2. Upon receipt of the written reasons for the punitive action the law enforcement officer may, within five working days, request a grievance hearing in writing. The hearing shall take place before the grievance committee as defined by the published and distributed employing law enforcement agency rules and regulations or procedures.**

**3. The employing law enforcement agency shall schedule the grievance hearing no sooner than five days and no later than ten days after the written request was received from the law enforcement officer.**

**4. If the employing law enforcement agency is represented by counsel at the grievance hearing, the law enforcement officer shall have the right to be represented by counsel.**

**5. The provisions of this section shall not be applicable in the event any criminal charges have been filed against any**

law enforcement officer.

**Section 4. Any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each element in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be made available to the law enforcement officer.**

**Section 5. The decision of the grievance committee issued pursuant to sections 1 to 5 of this act shall be appealable to circuit court.**

[85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. Any law enforcement officer employed by the state shall not be subject to the provisions of this section.]

[590.500. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency.]; and

Further amend the title and enacting clause accordingly.

Representative Relford offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1*

for

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Page 2, Section 57.010, Line 20 of said page, by inserting after all of said line the following:

"[85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. Any law enforcement officer employed by the state shall not be subject to the provisions of this section.]; and

Further amend said bill, Page 51, Section 590.180, Line 1 of said page, by inserting after all of said line the following:

"[590.500. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding



of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency.]

**Section 1. As used in sections 1 to 4 of this act, the following terms mean:**

- (1) "Employing law enforcement agency" or "law enforcement agency", this state or any political subdivision in this state that employs at least twenty-five law enforcement officers certified as required by chapter 590, RSMo;
- (2) "Grievance committee", the committee, consisting of one or more individuals as established by the written guidelines of the department's policy and procedures manual, which may include already established personnel boards;
- (3) "Grievance meeting", any meeting conducted by a grievance committee for the purpose of determining the facts regarding an occurrence which may lead to punitive action against a law enforcement officer;
- (4) "Law enforcement officer" or "officer", any person who is regularly employed by an employing law enforcement agency and certified under chapter 590, RSMo, who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state. This term shall not include an officer serving in probationary status upon initial employment, highway patrol members, water patrol members, conservation agents, state park rangers, or an elected sheriff, elected marshal, appointed chief of police or any chief deputy, deputy or undersheriff of a sheriff's department;
- (5) "Punitive action", any disciplinary action as set forth in the written guidelines of the department's policy and procedures manual, except a written or oral reprimand, taken against a law enforcement officer by the employing law enforcement agency, including but not limited to dismissal, demotion, suspension, reduction in salary, withholding of salary, or a disciplinary transfer.

**Section 2.** The provisions of sections 1 to 4 of this act shall not apply to any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request and have a grievance meeting and the results of such hearing be reduced to writing.

**Section 3. 1.** Any law enforcement officer who is the subject of punitive action shall at a minimum be furnished with a written statement and citations from the employing law enforcement agency's written and distributed policies and procedures for the reason of the punitive action.

2. Upon receipt of the written reasons for the punitive action the law enforcement officer may, within five working days, request a grievance meeting in writing. The meeting shall take place before the grievance committee as defined by the published and distributed employing law enforcement agency rules and regulations or procedures.

3. The employing law enforcement agency shall schedule the grievance meeting no sooner than five days and no later than ten days after the written request was received from the law enforcement officer.

4. If the employing law enforcement agency is represented by counsel at the grievance meeting, the law enforcement officer shall have the right to be represented by counsel.

5. The provisions of this section shall not be applicable in the event any criminal charges have been filed against any law enforcement officer.

**Section 4.** Any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each element in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be made available to the law enforcement officer."; and

Further amend the title and enacting clause accordingly.

Representative Relford moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Kissell, **House Amendment No. 2** was adopted.

On motion of Representative Hosmer, **HS HCS SB 371, as amended**, was adopted.

On motion of Representative Hosmer, **HS HCS SB 371, as amended**, was read the third time and passed by the following vote:

AYES: 135

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartle Bennett Berkowitz

Berkstresser Black Blunt Bonner Boucher

Boykins Bray 84 Britt Campbell Carter

Champion Chrismer Cierpiot Clayton Crawford

Crump Daniel Davis 122 Davis 63 Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Howerton Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Loudon Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McKenna McLuckie Merideth

Monaco Murphy Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Scheve Schilling Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Tudor Van Zandt Vogel Wagner

Ward Williams 121 Williams 159 Wilson Wright

NOES: 012

Ballard Bartelsmeyer Boatright Days Hohulin

Lograsso McClelland Miller Patek Pryor

Sallee Townley

PRESENT: 000

ABSENT WITH LEAVE: 014

Burton Gunn Kasten Legan Long



Marble Purgason Ridgeway Schwab Thompson 72

Treadway Troupe Wiggins Mr. Speaker

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Mays (50) moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

Speaker Pro Tem Kreider resumed the Chair.

**CONFERENCE COMMITTEE REPORT**

**ONSENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILLS NOS. 603, 722 & 783**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, as amended;
2. That the House recede from its position on House Committee Substitute for House Bills Nos. 603, 722 and 783;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Gary Wiggins /s/ Wayne Goode

/s/ Bill Ransdall /s/ Joe Maxwell

/s/ Jim Kreider /s/ John Russell

/s/ John Griesheimer /s/ John Schneider

/s/ Ronnie Miller /s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON**

**SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 267**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 267;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Tom Hoppe /s/ John Scott  
/s/ Francis Overschmidt /s/ Harry Wiggins  
/s/ Tim Green /s/ James Mathewson  
/s/ John Griesheimer /s/ David Klarich  
/s/ Jon Dolan /s/ Anita Yeckel

**BILLS IN CONFERENCE**

**CCR HS HCS SCS SBs 308 & 314, as amended**, relating to MOSERS Year 2000 Plan, was taken up by Representative O'Toole.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Campbell Carter Clayton Crump Daniel

Davis 122 Davis 63 Days Dougherty Farnen

Fitzwater Foley Franklin Fraser Gambaro  
George Graham 24 Gratz Green Gunn  
Hagan-Harrell Hampton Harlan Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Kelly 27 Kennedy  
Kissell Koller Kreider Lakin Lawson  
Leake Liese Luetkenhaus May 108 Mays 50  
McBride McKenna McLuckie Merideth Monaco  
Murray O'Connor O'Toole Overschmidt Parker  
Ransdall Relford Reynolds Riley Rizzo  
Scheve Schilling Seigfreid Selby Shelton  
Skaggs Smith Stokan Thompson 37 Treadway  
Van Zandt Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Mr. Speaker

NOES: 071

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Bennett Berkstresser Black Blunt  
Boatright Burton Champion Chrismer Cierpiot  
Crawford Dolan Elliott Enz Evans  
Foster Froelker Gaskill Gibbons Graham 106  
Griesheimer Gross Hanaway Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hohulin Holand Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Linton Lograsso Loudon Luetkemeyer  
Marble McClelland Miller Murphy Myers  
Naeger Nordwald Ostmann Patek Pouche  
Pryor Purgason Reid Reinhart Robirds  
Ross Schwab Scott Secrest Shields  
Summers Surface Townley Tudor Vogel  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Ford Long Richardson Ridgeway Sallee  
Thompson 72 Troupe

VACANCIES: 002

On motion of Representative O'Toole, **CCR HS HCS SCS SBs 308 & 314, as amended**, was adopted by the following vote:

AYES: 082

Abel Auer Backer Bennett Berkowitz  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Daniel Davis 122  
Davis 63 Days Dougherty Fitzwater Foley  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Harlan Hartzler 123 Hickey Hilgemann Hollingsworth  
Kelly 27 Kissell Koller Kreider Lawson  
Leake Legan Liese Lograsso Long  
Luetkenhaus May 108 Mays 50 McKenna McLuckie  
Monaco Murray O'Connor O'Toole Ostmann  
Parker Ransdall Relford Reynolds Riley  
Rizzo Robirds Ross Scheve Schilling  
Seigfreid Selby Shelton Skaggs Smith  
Thompson 37 Townley Treadway Tudor Van Zandt  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 072

Akin Alter Ballard Barnett Bartle  
Berkstresser Black Blunt Boatright Bonner  
Burton Champion Chrismer Cierpiot Crawford  
Dolan Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Griesheimer  
Gross Hampton Hanaway Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Hoppe Hosmer  
Howerton Kasten Kelley 47 Kennedy King  
Klindt Lakin Levin Linton Loudon  
Luetkemeyer Marble McBride McClelland Merideth  
Miller Murphy Myers Naeger Overschmidt  
Patek Pouche Pryor Purgason Reid  
Reinhart Richardson Sallee Schwab Scott  
Secrest Shields Stokan Summers Surface  
Vogel Wright

PRESENT: 003



Barry 100 Bartelsmeyer Farnen

ABSENT WITH LEAVE: 004

Nordwald Ridgeway Thompson 72 Troupe

VACANCIES: 002

On motion of Representative O'Toole, **CCS HS HCS SCS SBs 308 & 314** was truly agreed to and finally passed by the following vote:

AYES: 087

Abel Auer Backer Ballard Bennett

Berkowitz Boucher Boykins Bray 84 Britt

Burton Campbell Carter Clayton Crump

Daniel Davis 63 Days Dougherty Fitzwater

Foley Ford Franklin Fraser Gambaro

George Graham 24 Gratz Green Gunn

Hagan-Harrell Harlan Hartzler 123 Hickey Hilgemann

Hohulin Hollingsworth Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Liese Lograsso Long Luetkemeyer

Luetkenhaus May 108 Mays 50 McKenna McLuckie

Monaco Murphy Murray O'Connor O'Toole

Ostmann Parker Ransdall Relford Reynolds

Riley Rizzo Robirds Ross Scheve

Schilling Selby Shelton Skaggs Smith

Thompson 37 Townley Treadway Tudor Van Zandt

Wagner Ward Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 067

Akin Alter Barnett Bartle Berkstresser

Black Blunt Boatright Bonner Champion

Chrismer Cierpiot Crawford Dolan Elliott

Enz Evans Foster Froelker Gaskill

Gibbons Graham 106 Griesheimer Gross Hampton

Hanaway Hartzler 124 Hegeman Hendrickson Holand

Hoppe Hosmer Howerton Kasten Kelley 47

King Klindt Levin Linton Loudon

Marble McBride McClelland Merideth Miller

Myers Naeger Nordwald Overschmidt Patek

Pouche Pryor Purgason Reid Reinhart  
Richardson Sallee Schwab Scott Secrest  
Seigfreid Shields Stokan Summers Surface  
Vogel Wright

PRESENT: 004

Barry 100 Bartelsmeyer Davis 122 Farnen

ABSENT WITH LEAVE: 003

Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 158

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Lograsso Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murphy Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Ridgeway Thompson 72 Troupe

VACANCIES: 002

On motion of Representative McKenna, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HBs 603, 722 & 783, as amended**, relating to solid waste management, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **CCR SCS HCS HBs 603, 722 & 783, as amended**, was adopted by the following vote:

AYES: 149

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Howerton Kasten Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Lograsso Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murphy  
Murray Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Townley Treadway Tudor  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Selby

PRESENT: 000

ABSENT WITH LEAVE: 011

Foley Hosmer Kelley 47 Kelly 27 Linton  
Long Myers Ridgeway Thompson 72 Troupe  
Van Zandt

VACANCIES: 002

On motion of Representative Wiggins, **CCS SCS HCS HBs 603, 722 & 783** was read the third time and passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump



Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Ford Foster Franklin Fraser  
Froelker Gambaro George Gibbons Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Richardson  
Riley Rizzo Robirds Ross Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward  
Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Selby

PRESENT: 000

ABSENT WITH LEAVE: 010

Foley Gaskill Hosmer Long Reynolds  
Ridgeway Sallee Thompson 72 Troupe Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 676, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Stoll, Maxwell, House, Russell and Flotron.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SS SCS SB 19, as amended**, and requests the House to take up and pass the bill and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 289, as amended**, and requests the House to take up and pass the bill and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**: Senators Schneider, Wiggins, DePasco, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SBs 387, 206 & 131, as amended**: Senators Clay, Maxwell, Mathewson, Sims and Rohrbach.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 343, as amended**, and has taken up and passed **CCS SCS HCS HB 343**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up adopted the Conference Committee Report on **HS HCS SS SCS SBs 14, 60, & 69, as amended**, and has taken up and passed **CCS HS HCS SS SCS SBs 14, 60 & 69**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up adopted the Conference Committee Report on **HS HCS SS SCS SBs 160 & 82, as amended**, and has taken up and passed **HS HCS SS SCS SBs 160 & 82, as amended by the CCR**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 371, as amended**, and requests that the House to take up and pass the bill and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate to inform the House that the Senate has taken up and adopted the **CCR** on **SS SCS HS HB 516, as amended**, and has taken up and passed **CCS SS SCS HS HB 516, as amended by SPA 1**.

#### BILL CARRYING REQUEST MESSAGE

**HS SS SCS SB 19, as amended**, relating to motor vehicles, was taken up by Representative Koller.

Representative Koller moved that the House refuse to recede from its position on **HS SS SCS SB 19, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Gaw resumed the Chair.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS SS SCS SB 19:** Representatives Koller, Green, Gratz, Patek and Pryor

**SS SCS HCS HB 676:** Representatives Days, Farnen, Seigfreid, Long and Blunt

Speaker Pro Tem Kreider resumed the Chair.

#### **BILL IN CONFERENCE**

**CCR SS SCS HCS HB 267, as amended**, relating to liquor control, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **CCR SS SCS HCS HB 267, as amended**, was adopted by the following vote:

AYES: 109

Abel Auer Backer Barry 100 Bennett

Berkowitz Berkstresser Black Bonner Boucher

Boykins Bray 84 Britt Burton Carter

Chrismer Cierpiot Clayton Crump Daniel

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Evans Farnen Fitzwater Foley

Ford Franklin Fraser Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Harlan

Hegeman Hickey Hilgemann Hollingsworth Hoppe

Hosmer Howerton Kennedy Kissell Koller

Kreider Lakin Leake Liese Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McLuckie Merideth

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Ransdall Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Scheve

Schwab Secrest Seigfreid Shelton Skaggs

Stokan Surface Thompson 37 Townley Treadway

Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 159 Wilson Mr. Speaker

NOES: 045

Akin Alter Ballard Barnett Bartelsmeyer  
Bartle Blunt Boatright Champion Crawford  
Enz Foster Froelker Gaskill Hampton  
Hanaway Hartzler 123 Hartzler 124 Hendrickson Hohulin  
Holand Kasten Kelley 47 Kelly 27 King  
Klindt Lawson Legan Levin Linton  
McClelland McKenna Miller Murphy Myers  
Patek Pryor Purgason Sallee Schilling  
Scott Selby Summers Williams 121 Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Campbell Reid Ridgeway Shields Smith  
Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Hoppe, **CCS SS SCS HCS HB 267**, was read the third time and passed by the following vote:

AYES: 101

Abel Auer Backer Barry 100 Bennett  
Berkowitz Bonner Boykins Bray 84 Britt  
Burton Carter Cierpiot Clayton Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Foley Ford Franklin Fraser Gambaro  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Gunn Hagan-Harrell  
Harlan Hegeman Hickey Hilgemann Hollingsworth  
Hoppe Kennedy Kissell Koller Kreider  
Lakin Leake Liese Lograsso Long  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McKenna McLuckie Merideth Monaco Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Ransdall Reinhart  
Relford Reynolds Richardson Riley Rizzo  
Ross Scheve Schwab Secrest Seigfreid  
Shelton Shields Smith Stokan Surface  
Thompson 37 Treadway Tudor Van Zandt Vogel



Wagner Ward Wiggins Williams 159 Wilson

Mr. Speaker

NOES: 057

Akin Alter Ballard Barnett Bartelsmeyer

Bartle Berkstresser Black Blunt Boatright

Boucher Campbell Champion Chrismer Crawford

Enz Foster Froelker Gaskill Hampton

Hanaway Hartzler 123 Hartzler 124 Hendrickson Hohulin

Holand Hosmer Howerton Kasten Kelley 47

Kelly 27 King Klindt Lawson Legan

Levin Linton Loudon McBride McClelland

Miller Murphy Myers Patek Pryor

Purgason Reid Robirds Sallee Schilling

Scott Selby Skaggs Summers Townley

Williams 121 Wright

PRESENT: 000

ABSENT WITH LEAVE: 003

Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative Williams (159) moved that motion lay on the table.

The latter motion prevailed.

#### **BILLS CARRYING REQUEST MESSAGE**

**HS HCS SB 371, as amended**, relating to forfeitures by law enforcement agencies, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuse to recede from its position on **HS HCS SB 371, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILLS NOS. 14, 60 & 69**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 & 69, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 & 69, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 & 69;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ May Scheve /s/ Jim Mathewson  
/s/ Joan Bray /s/ Wayne Goode  
/s/ Harold R. Selby /s/ Joe Maxwell  
/s/ Jewell Patek /s/ Sarah Steelman  
/s/ Emmy McClelland /s/ Roseann Bentley

**BILLS IN CONFERENCE**

**CCR HS HCS SS SCS SBs 14, 60 & 69, as amended**, relating to tax relief for senior citizens, was taken up by Representative Scheve.

On motion of Representative Scheve, **CCR HS HCS SS SCS SBs 14, 60 & 69, as amended**, was adopted by the following vote:

AYES: 152

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Daniel Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Riley Rizzo Robirds Ross  
Sallee Scheve Schilling Schwab Scott  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Townley Tudor Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Hagan-Harrell Murphy Reynolds Richardson Ridgeway  
Thompson 72 Treadway Troupe Wiggins

VACANCIES: 002

On motion of Representative Scheve, **CCS HS HCS SS SCS SBs 14, 60 & 69** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump

Daniel Davis 122 Davis 63 Days Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Dolan Long Murphy Parker Richardson  
Ridgeway Thompson 72 Troupe Wiggins

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.



Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**CCR HS HCS SS SCS SBs 160 & 82, as amended**, relating to water service, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **CCR HS HCS SS SCS SBs 160 & 82, as amended**, was adopted by the following vote:

AYES: 129

Abel Akin Auer Backer Barnett

Barry 100 Bennett Berkowitz Berkstresser Black

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Chrismer Cierpiot

Clayton Crawford Daniel Davis 122 Davis 63

Days Dolan Dougherty Elliott Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Gambaro Gaskill George Graham 106

Graham 24 Gratz Green Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hegeman Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Liese

Lograsso Long Luetkenhaus Marble May 108

Mays 50 McBride McKenna McLuckie Merideth

Miller Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Ransdall

Reid Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Seigfreid Selby

Shelton Shields Skaggs Smith Summers

Surface Thompson 37 Townley Treadway Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 024

Alter Ballard Bartelsmeyer Bartle Blunt

Boatright Enz Evans Froelker Gibbons

Griesheimer Hanaway Hendrickson Hohulin Levin  
Linton Loudon Luetkemeyer McClelland Murphy  
Purgason Scott Secrest Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Champion Crump Hilgemann Kelley 47 Ridgeway  
Stokan Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Hoppe, **HS HCS SS SCS SBs 160 & 82, as amended by the CCR**, was truly agreed to and finally passed by the following vote:

AYES: 135

Abel Auer Backer Barnett Barry 100  
Bartelsmeyer Bennett Berkowitz Berkstresser Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Cierpiot Clayton  
Crawford Crump Daniel Davis 122 Davis 63  
Days Dolan Dougherty Elliott Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey  
Hilgemann Hohulin Holand Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Lograsso Long Luetkenhaus  
Marble May 108 Mays 50 McBride McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Ransdall Reid Reinhart Relford Reynolds  
Richardson Riley Rizzo Robirds Ross  
Scheve Schilling Schwab Scott Seigfreid  
Selby Shelton Shields Skaggs Smith  
Summers Surface Thompson 37 Townley Treadway  
Tudor Van Zandt Vogel Wagner Ward

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 016

Akin Alter Bartle Blunt Boatright

Enz Evans Gibbons Hanaway Linton

Loudon McClelland Murphy Sallee Secrest

Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard Black Chrismer Luetkemeyer Naeger

Purgason Ridgeway Stokan Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 148

Akin Alter Auer Barnett Barry 100

Bartelsmeyer Bartle Bennett Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crump Daniel Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fraser Froelker Gambaro George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Summers Surface  
Thompson 37 Townley Treadway Tudor Van Zandt  
Vogel Wagner Ward Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 001

Abel

ABSENT WITH LEAVE: 011

Backer Ballard Crawford Gaskill Lograsso  
Pryor Ridgeway Stokan Thompson 72 Troupe  
Wiggins

VACANCIES: 002

On motion of Representative Farnen, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SB 371:** Representatives Hosmer, Carter, Kissell, Barnett and Gibbons

**HS HCS SS SCS SBs 1, 92, 111, 129 & 222:** Representatives May (108), Monaco, Hosmer, Richardson and Patek

#### **HOUSE BILL WITH SENATE AMENDMENTS**

**HCS SS SB 289, as amended**, relating to St. Louis vocational education, was taken up by Representative Days.

Representative Days moved that the House refuse to recede from its position on **HCS SS SB 289, as amended**, and grant the Senate a conference.



Representative Shields made a substitute motion that the House refuse to recede from its position on **HCS SS SB 289, as amended**, and request the Senate to take up and pass the bill.

Which motion was adopted by the following vote:

AYES: 093

Abel Akin Alter Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Britt Burton Champion Chrismer

Cierpiot Crawford Dolan Dougherty Elliott

Enz Evans Foster Froelker Gaskill

Gibbons Graham 106 Griesheimer Gross Hagan-Harrell

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Hoppe Howerton Kasten

Kelley 47 King Kissell Klindt Koller

Lakin Leake Legan Levin Linton

Lograsso Long Loudon Luetkemeyer Marble

McClelland Merideth Miller Monaco Myers

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reid Reinhart Reynolds

Richardson Robirds Ross Sallee Scheve

Schwab Scott Secrest Shields Summers

Surface Townley Treadway Tudor Vogel

Wagner Williams 159 Wright

NOES: 061

Auer Backer Boykins Bray 84 Campbell

Carter Clayton Crump Davis 122 Davis 63

Days Farnen Fitzwater Foley Ford

Franklin Fraser Gambaro George Graham 24

Gratz Green Gunn Hampton Harlan

Hickey Hilgemann Hollingsworth Hosmer Kelly 27

Kennedy Kreider Lawson Liese Luetkenhaus

May 108 Mays 50 McBride McKenna McLuckie

Murray O'Connor O'Toole Overschmidt Parker

Ransdall Relford Riley Rizzo Schilling

Seigfreid Selby Shelton Skaggs Smith

Thompson 37 Van Zandt Ward Williams 121 Wilson

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniel Murphy Ridgeway Stokan Thompson 72

Troupe Wiggins

VACANCIES: 002

**CONFERENCE COMMITTEE REPORT  
ON**

**HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 371**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Bill No. 371, with House Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 371, as amended;
2. That the Senate recede from its position on Senate Bill No. 371;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 371 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Craig Hosmer /s/ Francis Flotron

/s/ Paula Carter /s/ Jerry Howard

/s/ Rex Barnett /s/ Stephen Stoll

/s/ Michael Gibbons /s/ Harry Wiggins

/s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR**

**HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 852**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 852, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 852;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 852;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Craig Hosmer /s/ Harold L. Caskey  
/s/ Steve Gaw /s/ J. B. "Jet" Banks  
/s/ Phil Smith /s/ John E. Scott  
/s/ Michael Gibbons /s/ Betty Sims  
/s/ Jon Dolan /s/ Roseann Bentley

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE**

**FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 701**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 701;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Henry C. Rizzo /s/ James Mathewson

/s/ Dennis Bonner /s/ Sidney Johnson

/s/ Carol Jean Mays /s/ John E. Scott

/s/ Martin (Bubs) Hohulin /s/ Doyle Childers

/s/ Carl M. Vogel /s/ David J. Klarich

#### **BILLS IN CONFERENCE**

**CCR SCS HS HCS HB 852**, relating to civil commitment, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **CCR SCS HS HCS HB 852** was adopted by the following vote:

AYES: 141

Akin Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Crawford Crump Davis 122 Davis 63

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Gambaro George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Riley Rizzo

Robirds Ross Sallee Scheve Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Summers Surface

Thompson 37 Treadway Tudor Van Zandt Vogel



Wagner Ward Wiggins Williams 159 Wright

Mr. Speaker

NOES: 009

Abel Boykins Days Fraser Kelly 27

Murphy Schilling Townley Wilson

PRESENT: 000

ABSENT WITH LEAVE: 011

Daniel Froelker Gaskill Harlan Kelley 47

Marble Ridgeway Stokan Thompson 72 Troupe

Williams 121

VACANCIES: 002

On motion of Representative Hosmer, **CCS SCS HS HCS HB 852** was read the third time and passed by the following vote:

AYES: 136

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Bray 84 Britt Burton

Campbell Carter Champion Chrismer Clayton

Crawford Crump Davis 122 Davis 63 Days

Dougherty Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Froelker

Gambaro Gibbons Graham 106 Graham 24 Gratz

Griesheimer Gross Hagan-Harrell Hampton Hanaway

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kelley 47 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Long Loudon Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Riley

Rizzo Robirds Ross Scheve Schwab

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Summers Surface Thompson 37

Townley Treadway Tudor Van Zandt Vogel

Wagner Ward Wiggins Williams 159 Wright

Mr. Speaker

NOES: 010

Boykins Fraser George Green Gunn

Harlan Kelly 27 Murphy Schilling Wilson

PRESENT: 000

ABSENT WITH LEAVE: 015

Backer Cierpiot Daniel Dolan Elliott

Gaskill Linton Marble Ridgeway Sallee

Smith Stokan Thompson 72 Troupe Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SCS SB 61, as amended**, relating to road signs, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to adopt **CCR HS HCS SCS SB 61, as amended**, and request the Senate to grant the House a further conference.

Which motion was adopted.

**CCR SS SCS HS HCS HB 701, as amended**, relating to enterprise zones, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **CCR SS SCS HS HCS HB 701, as amended**, was adopted by the following vote:

AYES: 146

Abel Alter Auer Ballard Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Fitzwater Ford Foster  
Franklin Fraser Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna McLuckie  
Merideth Miller Monaco Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Pryor  
Purgason Ransdall Reinhart Relford Reynolds  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Townley  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 004

Akin Backer Froelker Murphy

PRESENT: 001

Reid

ABSENT WITH LEAVE: 010

Daniel Foley Hegeman Lograsso Richardson  
Ridgeway Scott Thompson 72 Troupe Wiggins

VACANCIES: 002

On motion of Representative Rizzo, **CCS SS SCS HS HCS HB 701** was read the third time and passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crump Davis 122  
Davis 63 Days Dolan Dougherty Elliott  
Enz Evans Farnen Fitzwater Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hickey Hilgemann Hohulin  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Long Loudon Luetkemeyer Luetkenhaus  
Marble May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Purgason Ransdall Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Secrest Seigfreid Selby Shelton Shields  
Skaggs Smith Stokan Summers Surface  
Thompson 37 Townley Treadway Tudor Van Zandt  
Vogel Wagner Ward Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 001

Reid

ABSENT WITH LEAVE: 011

Crawford Daniel Foley Hanaway Lograsso  
Reinhart Ridgeway Scott Thompson 72 Troupe



Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Boykins moved that the vote by which the bill passed be reconsidered.

Representative Gambaro moved that motion lay on the table.

The latter motion prevailed.

#### RE-APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS HCS SCS SB 61**: Representatives Hoppe, Foley, Rizzo, Berkstresser and Marble

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SCS SBs 387, 206 & 131, as amended**, and has taken up and passed **HS HCS SCS SBs 387, 206 & 131, as amended by the CCR**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS SS SCS SB 19, as amended**: Senators Goode, Graves, Kenney, Mathewson and Staples.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 115** and has taken up and passed **SB 115, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants further conference on **HS HCS SCS SB 61, as amended**, and further the President Pro Tem has re-appointed the following conference committee to act with a like committee from the House. Senators: Johnson, Mathewson, Stoll, Bentley and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SB 371, as amended**: Senators Flotron, Singleton, Howard, Wiggins and Stoll.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HBs 603, 722 & 783, as amended**, and has taken up and passed **CCS SCS HCS HBs 603, 722 & 783**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HCS HB 267, as amended**, and has taken up and passed **CCS SS SCS HCS HB 267**.

#### **BILL CARRYING REQUEST MESSAGE**

**CCS SS SCS HB 65**, relating to retirement systems, was taken up by Representative Crump.

Representative Crump moved that the House return **CCS SS SCS HB 65** to the Senate for further consideration.

Which motion was adopted.

#### **THIRD READING OF SENATE BILL**

**HCS SB 518**, relating to economic development, was taken up by Representative Rizzo.

Representative Rizzo offered **HS HCS SB 518**.

Representative Rizzo offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 518, Page 15, Section 4, Line 4, by adding immediately after said line, the following:

**"5. The Missouri seed capital investment board shall report the following to the department:**

**(1) As soon as practicable after the receipt of a qualified contribution the name of each person from which the qualified contribution was received, the amount of each contributor's qualified contribution and the tax credits computed pursuant to this section;**

**(2) On a quarterly basis, the amount of qualified investments made to any qualified business;**

**(3) On a quarterly basis, verification that the investment of seed capital, start up capital, or follow up capital in a qualified business does not direct more than ten percent of all the qualified contributions to a qualified fund to be invested in a single qualifying business.**

**6. Each qualified fund shall provide annual audited financial statements, including the opinion of an independent certified public accountant, to the department within ninety days of the close of the state fiscal year. The audit shall address the methods of operation and conduct of the business of the qualified economic development organization to determine compliance with the statutes and program and program rules and that the qualified contributions received by the qualified fund have been invested as required by this section."**

On motion of Representative Rizzo, **House Amendment No. 1** was adopted.

On motion of Representative Rizzo, **HS HCS SB 518, as amended**, was adopted.

On motion of Representative Rizzo, **HS HCS SB 518, as amended**, was read the third time and passed by the following vote:

AYES: 155

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foley Ford Foster Franklin Fraser  
Froelker Gambaro Gaskill George Gibbons  
Graham 106 Graham 24 Gratz Green Griesheimer  
Gross Gunn Hagan-Harrell Hampton Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Holand Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
Merideth Miller Monaco Murphy Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Townley Treadway  
Tudor Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel McLuckie Ridgeway Thompson 72 Troupe  
Van Zandt

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 153

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Bray 84 Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Crump Davis 122  
Davis 63 Days Dougherty Elliott Enz  
Evans Farnen Fitzwater Foley Ford  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy King  
Kissell Klindt Koller Kreider Lakin  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Parker Patek Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Richardson  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Berkowitz Daniel Dolan Holand Reynolds

Ridgeway Thompson 72 Troupe

VACANCIES: 002



On motion of Representative Foley, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SCS SB 436, as amended**, and has taken up and passed **CCS HS HCS SCS SB 436**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HS HCS SCS SB 61, as amended by the CCR**, and has taken up and passed **CCS HS HCS SCS SB 61**.

#### CONFERENCE COMMITTEE REPORT

ON

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NOS. 387, 206 & 131

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131, with House Amendments Nos. 1, 2, 3 & 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131;

2. That the attached Conference Committee Amendment No. 1, be adopted;

3. That House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131, with House Amendments Nos. 1, 2, 3 & 4 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Russell Gunn /s/ William L. Clay

/s/ Charles Gross /s/ Joe Maxwell

/s/ Ralph Monaco /s/ James Mathewson

/s/ Chuck Purgason /s/ Larry Rohrbach

/s/ Kate Hollingsworth /s/ Betty Sims

*Conference Committee Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 29, Section 1, Line 18 of said page, by inserting after "by" the following: **"the director, after consideration of caseload standards established by"**; and

Further amend said bill, page 30, Section 2, line 18 of said page, by inserting a period "." after the word "evaluation"; and further amend lines 19 to 24 of said page, by striking all of said lines; and

Further amend said bill, page 34, Section 7, line 16 of said page, by striking "shall not" and inserting in lieu thereof the following: **"are not required to"**; and further amend line 20 of said page, by striking "in a given county;"; and inserting in lieu thereof the following: **"and such employment"**; and further amend line 21 of said page, by striking the following: "(2) The employment".

## BILL IN CONFERENCE

**CCR HS HCS SCS SBs 387, 206 & 131, as amended**, relating to public assistance programs, was taken up by Representative Gunn.

On motion of Representative Gunn, Rule 60 was suspended and **CCR HS HCS SCS SBs 387, 206 & 131, as amended**, was adopted by the following vote:

AYES: 142

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartle Bennett Berkowitz

Black Boatright Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hampton Hanaway Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Long Luetkemeyer Luetkenhaus May 108

Mays 50 McBride McClelland McKenna McLuckie

Merideth Miller Monaco Murphy Murray

Myers Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Patek Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Scheve

Schilling Schwab Scott Secrest Seigfreid

Selby Shelton Shields Skaggs Smith

Stokan Summers Surface Thompson 37 Townley

Treadway Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Wright Mr. Speaker

NOES: 010

Ballard Bartelsmeyer Berkstresser Blunt Crawford

Hohulin Linton Loudon Pouche Reid

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniel Foley Holand Marble Parker

Ridgeway Sallee Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Gunn, **HS HCS SCS SBs 387, 206 & 131, as amended by the CCR**, was truly agreed to and finally passed by the following vote:

AYES: 147

Abel Akin Alter Auer Backer

Barnett Barry 100 Bartle Bennett Berkowitz

Black Boatright Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkemeyer Luetkenhaus May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 008

Ballard Bartelsmeyer Berkstresser Blunt Crawford  
Loudon Reid Wright

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel Marble Parker Ridgeway Thompson 72  
Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boykins, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 394**, relating to property ownership and taxes, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SCS SB 394**.

Representative Gratz offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 394, Page 65, Section E, Line 4, by inserting after all of said line the following:

"Section F. Three new sections are enacted, to be known as sections 3, 4 and 5, to read as follows:

**Section 3. 1. The governor is hereby authorized and empowered to transfer, grant and convey approximately one hundred five acres in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to the Missouri department of natural resources. The property to be**



conveyed to the Missouri department of natural resources by the governor, state of Missouri, is more particularly described as follows:

A 105-acres, more or less, of land located in that part of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, generally described as follows: lying south of and southwest of the Missouri Pacific Railroad, West of Workman's Creek, North of Missouri State Highway 179, and East and South of tract of land currently owned by Donald and Patsy Russell.

2. The Missouri Department of Natural Resources shall survey and legally describe the above tract of land, and the legal description of said survey shall be used in the instrument of conveyance from the Governor, State of Missouri, to the Department of Natural Resources.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section.

2. The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the city of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the city of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:

Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows:

BEGINNING at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the POINT OF BEGINNING.

Containing in all, .043 acres.

2. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Gratz, **House Amendment No. 1** was adopted.

Representative Pryor offered **House Amendment No. 2**.

Representative Clayton raised a point of order that **House Amendment No. 2** is not germane to the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Hoppe, **HS HCS SCS SB 394, as amended**, was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 394, as amended**, was read the third time and passed by the following vote:

AYES: 124

Abel Akin Alter Auer Barnett

Barry 100 Bartelsmeyer Bartle Bennett Berkowitz

Berkstresser Black Blunt Bonner Boucher

Boykins Bray 84 Britt Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Farnen

Fitzwater Foley Ford Foster Fraser

Froelker Gambaro Gaskill George Gibbons

Graham 24 Gratz Griesheimer Gross Gunn

Hampton Hartzler 123 Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Howerton Kelley 47 Kelly 27 Kennedy King

Kissell Klindt Lakin Lawson Leake

Levin Liese Long Luetkemeyer Luetkenhaus

Marble May 108 McBride McKenna McLuckie

Merideth Monaco Murray Myers Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Pryor Ransdall Reid Reinhart Relford

Reynolds Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Thompson 37

Treadway Tudor Vogel Wagner Ward

Williams 121 Williams 159 Wilson Wright

NOES: 022

Backer Ballard Boatright Evans Franklin

Hanaway Hartzler 124 Hohulin Koller Kreider

Legan Linton Lograsso Loudon McClelland

Miller Murphy Patek Purgason Secrest

Townley Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 015

Daniel Graham 106 Green Hagan-Harrell Harlan

Kasten Mays 50 Parker Pouche Richardson

Ridgeway Thompson 72 Troupe Van Zandt Mr. Speaker

VACANCIES: 002

Representative Smith declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 114

Abel Alter Auer Barry 100 Bennett

Berkowitz Berkstresser Black Blunt Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Chrismer Clayton Crawford

Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Farnen Fitzwater Foley

Ford Foster Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hickey Hilgemann Hollingsworth Hoppe Hosmer

Howerton Kelly 27 Kennedy King Kissell

Lakin Lawson Leake Liese Long

Luetkenhaus Marble May 108 Mays 50 McBride

McKenna McLuckie Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Ransdall Reid

Reinhart Relford Reynolds Riley Rizzo

Robirds Ross Scheve Schilling Schwab

Scott Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 37 Treadway Van Zandt Vogel Wagner

Ward Williams 121 Williams 159 Wilson

NOES: 040

Akin Backer Ballard Barnett Bartelsmeyer

Bartle Boatright Champion Cierpiot Enz

Evans Franklin Hanaway Hegeman Hendrickson

Hohulin Holand Kasten Kelley 47 Klindt

Koller Kreider Legan Levin Linton

Lograsso Loudon Luetkemeyer McClelland Merideth

Miller Myers Patek Pryor Purgason

Secrest Townley Tudor Wiggins Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniel Richardson Ridgeway Sallee Thompson 72

Troupe Mr. Speaker

VACANCIES: 002

On motion of Representative Boucher, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**SB 71**, relating to city condemnation, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **SB 71** was truly agreed to and finally passed by the following vote:

AYES: 102

Auer Backer Barnett Barry 100 Bennett

Berkowitz Berkstresser Black Bonner Boucher

Bray 84 Britt Burton Campbell Champion

Cierpiot Clayton Crump Davis 122 Davis 63

Days Dolan Dougherty Farnen Foley

Ford Fraser Gambaro George Gibbons

Graham 24 Gratz Green Griesheimer Gunn

Hagan-Harrell Hampton Hegeman Hickey Hilgemann

Hoppe Hosmer Howerton Kasten Kelly 27

Kennedy King Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus Marble

May 108 Mays 50 McBride McKenna McLuckie

Merideth Monaco Murray Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Ransdall Reinhart Relford Reynolds Riley

Rizzo Robirds Ross Scheve Schilling

Scott Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Thompson 37 Treadway Tudor Van Zandt

Vogel Wagner Ward Williams 121 Williams 159



Wright Mr. Speaker

NOES: 049

Akin Alter Ballard Bartelsmeyer Bartle

Blunt Boatright Boykins Carter Chrismer

Crawford Elliott Enz Evans Fitzwater

Foster Franklin Froelker Graham 106 Gross

Hanaway Harlan Hartzler 123 Hartzler 124 Hendrickson

Hohulin Kelley 47 Klindt Legan Levin

Linton Lograsso Long Loudon Luetkemeyer

McClelland Miller Murphy Myers Naeger

Patek Pryor Purgason Reid Richardson

Sallee Schwab Townley Wilson

PRESENT: 000

ABSENT WITH LEAVE: 010

Abel Daniel Gaskill Holand Hollingsworth

Kissell Ridgeway Thompson 72 Troupe Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

# **CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 793**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for

Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, as amended;
- 2 That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 793;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Joseph Treadway /s/ James L. Mathewson

/s/ Patrick O'Connor /s/ John E. Scott

/s/ Jim O'Toole /s/ Sidney Johnson

/s/ John Griesheimer /s/ Franc Flotron

/s/ Todd Akin /s/ Betty Sims

**CONFERENCE COMMITTEE REPORT NO. 2**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 61**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 61;
3. That the attached Conference Committee Amendment No. 1, be adopted; and
4. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, with Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Thomas Hoppe /s/ Roseann Bentley

/s/ Henry Rizzo /s/ Morris Westfall

/s/ James Foley /s/ Sidney Johnson

/s/ Gary Marble /s/ Stephen Stoll

/s/ Judy Berkstresser /s/ James Mathewson

*Conference Committee Amendment No. 1*

AMEND Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 21, Section 1, Line 19 of said page, by inserting after all of said line the following:

**"Section 2. The portion of state highway 13 in Caldwell county shall be named "The Zach Wheat Memorial Highway".";**  
and

Further amend the title and enacting clause accordingly.

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 436**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, with House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 436;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Thomas Hoppe /s/ Ed Quick

/s/ Tim Harlan /s/ John E. Scott

/s/ Phil Smith /s/ Jim Mathewson

/s/ John Griesheimer /s/ Betty Sims

/s/ Carson Ross /s/ Anita Yeckel

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 676**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, with Senate Amendments Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 676; and

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Rita D. Days /s/ Stephen Stoll

/s/ Jim Seigfreid /s/ Ted House

/s/ Ted Farnen /s/ Joe Maxwell

/s/ Beth Long /s/ Jim Russell

/s/ Matthew Blunt /s/ Franc Flotron

**BILL IN CONFERENCE**

**CCR SS SCS HS HCS HB 793, as amended**, relating to gaming, was taken up by Representative Treadway.

Representative Treadway moved that Rule 60 be suspended and **CCR SS SCS HS HCS HB 793, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 108

Akin Alter Auer Backer Barry 100

Bennett Berkowitz Bonner Boucher Boykins

Bray 84 Britt Burton Campbell Carter

Chrismer Clayton Davis 122 Davis 63 Dolan

Dougherty Elliott Evans Farnen Fitzwater

Foley Ford Foster Franklin Fraser

Gambaro George Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 124 Hegeman Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelly 27 Kennedy King Kissell

Klindt Koller Lakin Lawson Leake

Legan Liese Lograsso Long Luetkenhaus

May 108 Mays 50 McKenna McLuckie Merideth



Miller Monaco Murphy Murray Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt  
Patek Pouche Ransdall Relford Reynolds  
Riley Rizzo Ross Scheve Schwab  
Scott Secrest Selby Shelton Shields  
Summers Surface Thompson 37 Treadway Tudor  
Van Zandt Vogel Wagner Ward Wiggins  
Williams 159 Wilson Mr. Speaker

NOES: 042

Ballard Barnett Bartelsmeyer Bartle Berkstresser  
Black Blunt Boatright Champion Cierpiot  
Crawford Enz Froelker Graham 106 Hampton  
Hanaway Hendrickson Kelley 47 Kreider Levin  
Linton Loudon Luetkemeyer Marble McBride  
McClelland Myers Pryor Purgason Reid  
Reinhart Richardson Robirds Sallee Schilling  
Seigfreid Skaggs Smith Stokan Townley  
Williams 121 Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Abel Crump Daniel Days Gaskill  
Hartzler 123 Hilgemann Parker Ridgeway Thompson 72  
Troupe

VACANCIES: 002

On motion of Representative Treadway, **CCS SS SCS HS HCS HB 793** was read the third time and passed by the following vote:

AYES: 102

Akin Alter Auer Backer Barry 100  
Bennett Berkowitz Bonner Boucher Boykins  
Bray 84 Britt Burton Carter Chrismer  
Clayton Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Evans Farnen Fitzwater  
Ford Foster Franklin Fraser Froelker  
Gambaro George Gibbons Graham 106 Graham 24  
Gratz Green Griesheimer Gross Gunn  
Hagan-Harrell Harlan Hartzler 124 Hegeman Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kelly 27 Kennedy King Kissell

Koller Lakin Lawson Leake Liese

Lograsso Long Luetkenhaus May 108 Mays 50

McKenna McLuckie Merideth Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Pouche Ransdall Relford

Reynolds Riley Rizzo Ross Scheve

Schwab Scott Selby Shelton Shields

Summers Surface Thompson 37 Treadway Tudor

Vogel Wagner Ward Wiggins Williams 159

Wilson Mr. Speaker

NOES: 047

Ballard Barnett Bartelsmeyer Bartle Berkstresser

Black Blunt Boatright Champion Cierpiot

Crawford Crump Enz Hampton Hanaway

Hendrickson Hilgemann Kelley 47 Klindt Kreider

Legan Levin Linton Loudon Luetkemeyer

Marble McBride McClelland Miller Myers

Patek Pryor Purgason Reid Reinhart

Richardson Robirds Sallee Schilling Secrest

Seigfreid Skaggs Smith Stokan Townley

Williams 121 Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Abel Campbell Daniel Foley Gaskill

Hartzler 123 Kasten Parker Ridgeway Thompson 72

Troupe Van Zandt

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

## HOUSE BILL WITH SENATE AMENDMENT

**SS#2 HCS HB 889, as amended**, relating to read to be ready program, was taken up by Representative Relford.

**SS#2 HCS HB 889, as amended**, was laid over.

## BILLS IN CONFERENCE

**CCR#2 HS HCS SCS SB 61, as amended**, relating to road signs, was taken up by Representative Hoppe.

Representative Hoppe moved that Rule 60 be suspended and **CCR#2 HS HCS SCS SB 61, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 144

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crump Davis 122 Davis 63

Days Dolan Dougherty Elliott Enz

Evans Farnen Foley Ford Foster

Franklin Fraser Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Hagan-Harrell Hampton Hanaway

Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kelley 47 Kelly 27

Kennedy King Kissell Klindt Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna Merideth Miller Monaco

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Patek Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Townley Treadway Tudor  
Van Zandt Vogel Wagner Ward Williams 121  
Williams 159 Wilson Wright Mr. Speaker

NOES: 002

Fitzwater Murphy

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84 Crawford Daniel Froelker Gunn  
Kasten Lograsso Long McLuckie Parker  
Richardson Ridgeway Thompson 72 Troupe Wiggins

VACANCIES: 002

On motion of Representative Hoppe, **CCS HS HCS SCS SB 61** was truly agreed to and finally passed by the following vote:

AYES: 148

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Britt  
Burton Campbell Carter Champion Chrismer  
Cierpiot Clayton Crawford Davis 122 Davis 63  
Days Dolan Dougherty Elliott Enz  
Evans Farnen Foley Ford Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Green Griesheimer Gross Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Howerton Kelley 47 Kelly 27  
Kennedy King Kissell Klindt Koller  
Kreider Lakin Lawson Leake Legan  
Levin Liese Linton Lograsso Long  
Loudon Luetkemeyer Marble May 108 Mays 50  
McBride McClelland McKenna Merideth Miller  
Monaco Murphy Murray Myers Naeger  
Nordwald O'Connor O'Toole Ostmann Overschmidt



Patek Pouche Pryor Purgason Ransdall  
Reid Reinhart Relford Reynolds Richardson  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bray 84 Crump Daniel Fitzwater Gunn  
Hosmer Kasten Luetkenhaus McLuckie Parker  
Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SCS SB 436, as amended**, relating to ambulance service, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **CCR HS HCS SCS SB 436, as amended**, was adopted by the following vote:

AYES: 137

Abel Akin Alter Auer Backer  
Barnett Barry 100 Bartle Bennett Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Crawford  
Crump Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen  
Foley Ford Foster Fraser Froelker  
Gambaro Gaskill George Gibbons Graham 106  
Graham 24 Gratz Griesheimer Gross Gunn  
Hagan-Harrell Hampton Hanaway Hartzler 123 Hartzler 124  
Hegeman Hickey Hilgemann Hollingsworth Hoppe  
Hosmer Howerton Kasten Kelley 47 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus May 108 Mays 50 McBride  
McClelland McKenna Merideth Miller Monaco  
Murray Myers Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Riley Robirds Ross  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 008

Boucher Clayton Fitzwater Franklin Hendrickson  
Murphy Rizzo Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 016

Ballard Bartelsmeyer Daniel Green Harlan  
Hohulin Holand Kelly 27 Marble McLuckie  
Parker Richardson Ridgeway Sallee Thompson 72  
Troupe

VACANCIES: 002

On motion of Representative Hoppe, **CCS HS HCS SCS SB 436** was truly agreed to and finally passed by the following vote:

AYES: 140

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boykins Bray 84 Britt  
Burton Campbell Carter Champion Cierpiot  
Crawford Crump Davis 122 Davis 63 Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Fraser  
Froelker Gambaro Gaskill George Graham 106  
Graham 24 Gratz Green Griesheimer Gross  
Gunn Hagan-Harrell Hampton Hanaway Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hohulin Holand Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lawson Leake Legan Levin Liese  
Linton Lograsso Long Loudon Luetkemeyer  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Patek Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Riley Robirds Ross Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Townley  
Treadway Tudor Van Zandt Vogel Wagner  
Ward Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 007

Boucher Clayton Franklin Lakin Murphy  
Rizzo Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 014

Chrismer Daniel Days Gibbons Harlan  
Marble McLuckie Parker Richardson Ridgeway  
Sallee Thompson 72 Troupe Wright

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative George moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**CCR SS SCS HCS HB 676, as amended**, relating to elections, was taken up by Representative Days.

Representative Days moved that Rule 60 be suspended and **CCR SS SCS HCS HB 676, as amended**, be adopted.

Representative Lograsso requested a division of the question.

**Part I - Suspension of Rule 60**

On motion of Representative Days, **Part I** was adopted by the following vote:

AYES: 094

Abel Auer Backer Barry 100 Bartelsmeyer

Berkowitz Berkstresser Blunt Bonner Boucher

Boykins Bray 84 Britt Burton Carter

Clayton Crump Davis 122 Days Dolan

Dougherty Fitzwater Ford Franklin Fraser

Gambaro Gaskill George Gibbons Gratz

Gunn Hagan-Harrell Harlan Hartzler 124 Hickey

Hilgemann Hollingsworth Hoppe Kasten Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murray Naeger Nordwald

O'Connor Ostmann Overschmidt Pryor Purgason

Ransdall Relford Reynolds Richardson Riley

Rizzo Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Selby Shelton

Shields Smith Stokan Surface Thompson 37

Treadway Van Zandt Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 055

Akin Alter Ballard Barnett Bartle

Bennett Black Boatright Campbell Champion

Chrismer Cierpiot Crawford Enz Evans

Farnen Foster Froelker Graham 106 Griesheimer



Gross Hampton Hanaway Hartzler 123 Hegeman  
Hendrickson Hohulin Holand Howerton Kelley 47  
Kelly 27 King Klindt Levin Linton  
Lograsso Loudon Luetkemeyer McKenna Merideth  
Murphy Myers O'Toole Patek Pouche  
Reid Reinhart Robirds Secrest Skaggs  
Summers Townley Tudor Vogel Wagner

PRESENT: 001

Elliott

ABSENT WITH LEAVE: 011

Daniel Davis 63 Foley Graham 24 Green  
Hosmer Marble Parker Ridgeway Thompson 72  
Troupe

VACANCIES: 002

**Part II - Adoption of CCR SS SCS HCS HB 676, as amended**

On motion of Representative Days, **Part II** was adopted by the following vote:

AYES: 117

Akin Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Berkowitz  
Berkstresser Black Blunt Boatright Bonner  
Boucher Boykins Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Clayton  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Franklin Fraser Gambaro  
Gaskill George Gibbons Graham 106 Gratz  
Green Gross Gunn Hagan-Harrell Hanaway  
Harlan Hartzler 123 Hartzler 124 Hegeman Hickey  
Hilgemann Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kissell Klindt Koller  
Lakin Lawson Leake Legan Levin  
Linton Long Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McLuckie Miller  
Monaco Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Patek Pouche Purgason  
Ransdall Reinhart Relford Reynolds Richardson  
Riley Rizzo Robirds Ross Sallee

Scheve Schwab Scott Secrest Seigfreid  
Shelton Shields Smith Stokan Summers  
Surface Thompson 37 Townley Treadway Tudor  
Van Zandt Vogel Ward Williams 121 Wilson  
Wright Mr. Speaker

NOES: 031

Abel Crawford Evans Farnen Fitzwater  
Ford Foster Froelker Graham 24 Griesheimer  
Hampton Hendrickson Hohulin Holand Kelly 27  
King Kreider Liese Lograsso Loudon  
Luetkemeyer Merideth Murphy Murray Myers  
Pryor Reid Schilling Selby Skaggs  
Wagner

PRESENT: 000

ABSENT WITH LEAVE: 013

Bennett Bray 84 Crump Daniel Foley  
Kennedy McKenna Parker Ridgeway Thompson 72  
Troupe Wiggins Williams 159

VACANCIES: 002

On motion of Representative Days, **CCS SS SCS HCS HB 676** was read the third time and passed by the following vote:

AYES: 121

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Berkowitz Berkstresser Black Blunt Boatright  
Bonner Boucher Boykins Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crump Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Franklin  
Fraser Gambaro Gaskill George Gibbons  
Graham 106 Gratz Green Gross Gunn  
Hagan-Harrell Hanaway Harlan Hartzler 123 Hegeman  
Hickey Hilgemann Hollingsworth Hoppe Hosmer  
Howerton Kasten Kelley 47 Kennedy Kissell  
Klindt Koller Lakin Lawson Leake  
Legan Levin Linton Long Luetkenhaus  
May 108 Mays 50 McBride McClelland McKenna

McLuckie Miller Monaco Naeger Nordwald  
O'Connor Ostmann Overschmidt Parker Patek  
Pouche Purgason Ransdall Reinhart Relford  
Reynolds Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schwab Scott  
Secrest Seigfreid Shelton Shields Smith  
Stokan Summers Surface Thompson 37 Townley  
Treadway Tudor Van Zandt Vogel Ward  
Wiggins Williams 121 Williams 159 Wilson Wright  
Mr. Speaker

NOES: 032

Crawford Evans Farnen Fitzwater Ford  
Foster Froelker Graham 24 Griesheimer Hampton  
Hartzler 124 Hendrickson Hohulin Holand Kelly 27  
King Kreider Liese Lograsso Loudon  
Luetkemeyer Merideth Murphy Murray Myers  
O'Toole Pryor Reid Schilling Selby  
Skaggs Wagner

PRESENT: 000

ABSENT WITH LEAVE: 008

Bennett Bray 84 Daniel Foley Marble  
Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 117

Abel Alter Auer Backer Ballard  
Barnett Barry 100 Bartelsmeyer Berkowitz Berkstresser  
Blunt Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Clayton Crump Davis 122 Davis 63 Days  
Dolan Dougherty Elliott Enz Evans  
Fitzwater Franklin Fraser Gambaro Gaskill  
George Gibbons Graham 106 Gratz Green  
Griesheimer Gunn Hagan-Harrell Hanaway Harlan  
Hartzler 123 Hegeman Hickey Hilgemann Hollingsworth

Hoppe Howerton Kelley 47 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Linton  
Long Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Miller  
Monaco Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Reinhart Relford Richardson Riley Rizzo  
Robirds Ross Sallee Scheve Schwab  
Scott Secrest Seigfreid Shelton Shields  
Smith Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Ward Wiggins Williams 121 Williams 159 Wilson  
Wright Mr. Speaker

NOES: 036

Akin Bartle Black Boatright Chrismer  
Cierpiot Crawford Farnen Ford Foster  
Froelker Graham 24 Gross Hampton Hartzler 124  
Hendrickson Hohulin Holand Hosmer Kasten  
King Lograsso Loudon Luetkemeyer Merideth  
Murphy Murray Myers Pryor Purgason  
Ransdall Reid Schilling Selby Skaggs  
Wagner

PRESENT: 000

ABSENT WITH LEAVE: 008

Bennett Daniel Foley Kelly 27 Reynolds  
Ridgeway Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Fraser, title to the bill was agreed to.

Representative Berkowitz moved that the vote by which the bill passed be reconsidered.

Representative Boykins moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS**



**HCS SCS SB 394, as amended**, and requests the House to take up and pass the bill and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS SS SCS SB 19, as amended**, and has taken up and passed **CCS HS SS SCS SB 19**.

Emergency clause defeated.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SS SCS SB 335, as amended**, and has taken up and passed **CCS HS HCS SS SCS SB 335, as amended by SPA 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, and has taken up and passed **CCS HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended by SPA 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SB 518, as amended**, and has taken up and passed **HS HCS SB 518, as amended**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **CCR SS SCS HCS HB 676, as amended**, and has taken up and passed **CCS SS SCS HCS HB 676**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HS HCS HB 701, as amended**, and has taken up and passed **CCS SS SCS HS HCS HB 701**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HS HCS HB 793, as amended**, and has taken up and passed **CCS SS SCS HS HCS HB 793**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HS HCS HB 852**, and has taken up and passed **CCS SCS HS HCS HB 852**.

#### **BILL CARRYING REQUEST MESSAGE**

**HS HCS SCS SB 394, as amended**, relating to property ownership and taxes, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on **HS HCS SCS SB 394, as amended**, and grant the Senate a conference.

Which motion was adopted.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS HCS SCS SB 394**: Representatives Hoppe, Green, Kelly (27), Marble and Lograsso

#### **THIRD READING OF SENATE BILL**

**HCS SCS SBs 328, 87, 100 & 55**, relating to criminal intimidation, was taken up by Representative Hosmer.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Abel Auer Backer Barry 100 Berkowitz

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Clayton Crawford

Crump Davis 122 Davis 63 Days Dougherty

Evans Farnen Fitzwater Ford Franklin

Fraser Gambaro George Graham 24 Gratz

Green Gross Gunn Hagan-Harrell Hampton

Harlan Hegeman Hickey Hilgemann Hollingsworth

Hoppe Hosmer Howerton Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Liese Luetkenhaus Marble May 108

Mays 50 McBride McKenna McLuckie Merideth

Miller Monaco Murray O'Connor O'Toole

Overschmidt Parker Pryor Ransdall Reinhart

Relford Reynolds Riley Rizzo Sallee

Scheve Schilling Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Treadway Tudor Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 056

Akin Alter Ballard Barnett Bartle

Berkstresser Black Blunt Boatright Champion

Chrismer Cierpiot Dolan Elliott Enz

Foster Froelker Gaskill Gibbons Graham 106

Griesheimer Hanaway Hartzler 123 Hartzler 124 Hendrickson

Hohulin Holand Kasten Kelley 47 King

Klindt Legan Levin Linton Lograsso

Long Loudon Luetkemeyer McClelland Murphy

Myers Naeger Nordwald Ostmann Patek

Pouche Purgason Reid Richardson Robirds

Ross Schwab Scott Surface Townley

Wright

PRESENT: 001

Bartelsmeyer

ABSENT WITH LEAVE: 008

Bennett Daniel Foley Ridgeway Summers

Thompson 37 Thompson 72 Troupe

VACANCIES: 002

Representative Hosmer again moved that **HCS SCS SBs 328, 87, 100 & 55** be adopted.

Which motion was defeated.

Representative Crump moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Abel Auer Backer Barry 100 Bartelsmeyer

Berkowitz Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Clayton

Crump Davis 122 Davis 63 Days Dougherty

Evans Farnen Fitzwater Ford Fraser

Gambaro George Graham 24 Gratz Green

Gunn Hagan-Harrell Hampton Harlan Hickey

Hilgemann Hollingsworth Hoppe Hosmer Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McKenna

McLuckie Merideth Miller Monaco Murray

O'Connor O'Toole Overschmidt Parker Ransdall

Reinhart Relford Reynolds Riley Rizzo

Sallee Scheve Schilling Secrest Seigfreid

Selby Shelton Skaggs Smith Stokan

Thompson 37 Treadway Van Zandt Vogel Wagner

Ward Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 061

Akin Alter Ballard Barnett Bartle

Bennett Berkstresser Black Blunt Boatright

Champion Chrismer Cierpiot Crawford Dolan

Elliott Enz Foster Froelker Gaskill  
Gibbons Graham 106 Griesheimer Gross Hanaway  
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin  
Holand Howerton Kasten Kelley 47 King  
Klindt Legan Levin Linton Lograsso  
Luetkemeyer McClelland Murphy Myers Naeger  
Nordwald Ostmann Patek Pouche Pryor  
Purgason Reid Robirds Ross Schwab  
Scott Summers Surface Townley Tudor  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniel Foley Franklin Long Richardson  
Ridgeway Shields Thompson 72 Troupe

VACANCIES: 002

On motion of Representative Hosmer, **SCS SBs 328, 87, 100 & 55** was truly agreed to and finally passed by the following vote:

AYES: 085

Abel Auer Backer Barry 100 Berkowitz  
Boucher Boykins Bray 84 Britt Campbell  
Carter Clayton Crump Davis 122 Davis 63  
Days Dolan Dougherty Farnen Fitzwater  
Ford Franklin Fraser Gambaro George  
Graham 24 Gratz Green Gunn Hagan-Harrell  
Hampton Harlan Hickey Hilgemann Hollingsworth  
Hoppe Kelly 27 Kennedy Kissell Koller  
Kreider Lakin Lawson Leake Liese  
Luetkenhaus May 108 Mays 50 McBride McClelland  
McKenna McLuckie Merideth Monaco Murphy  
Murray O'Connor O'Toole Ostmann Overschmidt  
Parker Ransdall Relford Reynolds Riley  
Rizzo Ross Scheve Schilling Seigfreid  
Selby Shelton Skaggs Smith Stokan  
Thompson 37 Treadway Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 068

Akin Alter Ballard Barnett Bartelsmeyer



Bartle Berkstresser Black Blunt Boatright  
Bonner Burton Champion Chrismer Cierpiot  
Crawford Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Griesheimer  
Gross Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hohulin Holand Hosmer Howerton  
Kasten Kelley 47 King Klindt Legan  
Levin Lograsso Long Loudon Luetkemeyer  
Marble Miller Myers Naeger Nordwald  
Patek Pouche Pryor Purgason Reid  
Reinhart Robirds Sallee Schwab Scott  
Secrest Shields Summers Surface Townley  
Tudor Vogel Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Bennett Daniel Foley Linton Richardson  
Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative McKenna, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SB 394, as amended**: Senators Quick, Mathewson, Scott, Sims and Mueller.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SCS SB 394, as amended**, and has taken up and passed **CCS HS HCS SCS SB 394**.

Emergency clause adopted.

#### CONFERENCE COMMITTEE REPORT

ON

HOUSE SUBSTITUTE

**FOR**  
**SENATE SUBSTITUTE**  
**FOR**  
**SENATE COMMITTEE SUBSTITUTE**  
**FOR**  
**SENATE BILL NO. 19**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendments Nos. 9, 10, 11, 12, 13, 14, Part 1 of House Amendment No. 15, House Amendments Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 19; and
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, be truly agreed to and finally passed.

**FOR THE HOUSE: FOR THE SENATE:**

/s/ Don Koller /s/ Wayne Goode  
/s/ Tim Green /s/ Sam Graves  
/s/ Bill Gratz /s/ Bill Kenney  
/s/ Chuck Pryor /s/ James Mathewson  
/s/ Jewel Patek /s/ Danny Staples

**CONFERENCE COMMITTEE REPORT**

**ON**  
**HOUSE SUBSTITUTE**  
**FOR**  
**HOUSE COMMITTEE SUBSTITUTE**  
**FOR**  
**SENATE SUBSTITUTE**  
**FOR**  
**SENATE COMMITTEE SUBSTITUTE**  
**FOR**  
**SENATE BILL NO. 335**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, with House Amendments Nos. 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 14, House Amendments Nos. 15, 16, 17, 18, 19, 20 and 21; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 335;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Kelly Parker /s/ Harold Caskey

/s/ Craig Hosmer /s/ Jim Mathewson

/s/ Phillip Britt /s/ John Scott

/s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILLS NOS. 1, 92, 111, 129 & 222**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, with House Amendments Nos. 1, 2, 3, 4, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Brian May /s/ John D. Schneider

/s/ Ralph Monaco /s/ Harry Wiggins

/s/ Craig Hosmer /s/ Ronnie DePasco

/s/ Mark Richardson /s/ Betty Sims

**CONFERENCE COMMITTEE REPORT  
ON**

**HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 394**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 394, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 394, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 394;
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Tom Hoppe /s/ Ed Quick

/s/ Tim Green /s/ Jim Mathewson

/s/ Glenda Kelly /s/ John Scott

/s/ Gary Marble /s/ Betty Sims

/s/ Don Lograsso /s/ Walt Mueller

**BILLS IN CONFERENCE**

**CCR HS SS SCS SB 19, as amended**, relating to motor vehicles, was taken up by Representative Koller.

On motion of Representative Koller, **CCR HS SS SCS SB 19, as amended**, was adopted by the following vote:

AYES: 137

Abel Akin Alter Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner

Boykins Bray 84 Britt Burton Campbell

Carter Chrismer Cierpiot Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty



Elliott Evans Farnen Fitzwater Foster  
Franklin Fraser Froelker Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Gratz  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson  
Hickey Hilgemann Hohulin Hollingsworth Hosmer  
Howerton Kasten Kelley 47 Kelly 27 Kennedy  
King Kissell Klindt Koller Kreider  
Lakin Lawson Leake Legan Levin  
Liese Linton Lograsso Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Purgason  
Ransdall Reid Reinhart Relford Reynolds  
Riley Rizzo Robirds Ross Sallee  
Scheve Schilling Schwab Scott Secrest  
Seigfreid Shelton Shields Skaggs Stokan  
Summers Surface Thompson 37 Townley Treadway  
Vogel Wagner Ward Wiggins Williams 159  
Wright Mr. Speaker

NOES: 007

Auer Clayton Pryor Selby Smith  
Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 017

Bennett Boucher Champion Daniel Enz  
Foley Ford Green Harlan Holand  
Hoppe Richardson Ridgeway Thompson 72 Troupe  
Tudor Van Zandt

VACANCIES: 002

On motion of Representative Koller, **CCS HS SS SCS SB 19** was truly agreed to and finally passed by the following vote:

AYES: 141

Abel Akin Alter Backer Ballard  
Barnett Barry 100 Bartelsmeyer Bartle Berkowitz

Berkstresser Black Blunt Boatright Bonner  
Boykins Bray 84 Britt Burton Campbell  
Carter Champion Chrismer Cierpiot Crawford  
Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Ford Foster Franklin Fraser Froelker  
Gaskill George Gibbons Graham 106 Graham 24  
Gratz Griesheimer Gross Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Hollingsworth  
Hoppe Hosmer Howerton Kasten Kelley 47  
Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Linton Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Myers Naeger Nordwald O'Connor O'Toole  
Ostmann Overschmidt Parker Patek Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Shelton Shields  
Skaggs Stokan Summers Surface Thompson 37  
Townley Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 159 Wright  
Mr. Speaker

NOES: 010

Auer Clayton Gambaro Harlan Holand  
Murphy Selby Smith Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 010

Bennett Boucher Crump Daniel Foley  
Green Reynolds Ridgeway Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boykins, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SS SCS SB 335, as amended**, relating to sentencing provisions, was taken up by Representative Parker.

Representative Parker moved that Rule 60 be suspended and **CCR HS HCS SS SCS SB 335, as amended**, be adopted.

The House concurred in the suspension of Rule 60.

Representative Parker offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Pages 15-16, Section 557.035, by striking all of said section from the bill; and

Further amend said bill, Page 28, Section 558.019, Line 1 of said page, by inserting after the word "programs" the following: "; and

**(6) The donation of a designated amount of money to a county law enforcement fund as determined by the judge. An annual audit of the fund shall be conducted by the county auditor or the state auditor. The provisions of this subdivision shall expire December 31, 2002. Any money deposited into the county law enforcement fund pursuant to this section shall only be expended with the approval of the majority of the presiding commissioner, the sheriff and one other elected county official to be agreed upon by the presiding commissioner and the sheriff."**; and

Further amend said bill, Page 28, Section 559.021, Line 19 of said page, by inserting after the word "judge" the following: "; and

**(3) The donation of a designated amount of money to a county law enforcement fund as determined by the judge. An annual audit of the fund shall be conducted by the county auditor or the state auditor. The provisions of this subdivision shall expire December 31, 2002. Any money deposited into the county law enforcement fund pursuant to this section shall only be expended with the approval of the majority of the presiding commissioner, the sheriff and one other elected county official to be agreed upon by the presiding commissioner and the sheriff."**; and

Further amend the title and enacting clause accordingly.

On motion of Representative Parker, **House Perfecting Amendment No. 1** was adopted.

On motion of Representative Parker, **CCR HS HCS SS SCS SB 335, as amended**, was adopted by the following vote:

AYES: 120

Akin Alter Backer Barnett Barry 100

Bartle Bennett Berkowitz Berkstresser Black

Bonner Boucher Boykins Britt Burton

Campbell Carter Chrismer Cierpiot Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Enz Evans

Farnen Fitzwater Foster Gambaro Gaskill

George Graham 106 Gratz Gunn Hagan-Harrell  
Hampton Hanaway Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hollingsworth Hoppe  
Kasten Kelley 47 Kelly 27 King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Liese Lograsso  
Long Loudon Luetkemeyer Luetkenhaus Marble  
May 108 Mays 50 McBride McClelland McKenna  
McLuckie Merideth Miller Monaco Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Pouche Pryor Purgason  
Ransdall Reid Reinhart Relford Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Secrest Seigfreid Selby  
Shelton Skaggs Smith Summers Surface  
Treadway Tudor Vogel Wagner Ward  
Williams 121 Williams 159 Wilson Wright Mr. Speaker

NOES: 020

Auer Ballard Bartelsmeyer Blunt Boatright  
Bray 84 Champion Fraser Griesheimer Gross  
Hohulin Holand Howerton Kennedy Linton  
Murphy Patek Reynolds Townley Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 021

Abel Daniel Foley Ford Franklin  
Froelker Gibbons Graham 24 Green Harlan  
Hosmer Murray Richardson Ridgeway Scott  
Shields Stokan Thompson 37 Thompson 72 Troupe  
Wiggins

VACANCIES: 002

On motion of Representative Parker, **CCS HS HCS SS SCS SB 335, as amended by House Perfecting Amendment No. 1,** was truly agreed to and finally passed by the following vote:

AYES: 124

Akin Alter Backer Barnett Barry 100  
Bennett Berkowitz Black Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Chrismer Cierpiot Clayton Crump



Davis 122 Davis 63 Days Dolan Dougherty  
Elliott Enz Evans Farnen Fitzwater  
Foster Franklin Fraser Froelker Gambaro  
Gaskill George Graham 106 Gratz Gunn  
Hagan-Harrell Hampton Hanaway Harlan Hartzler 123  
Hartzler 124 Hegeman Hendrickson Hickey Hilgemann  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Long Loudon  
Luetkemeyer Luetkenhaus Marble May 108 Mays 50  
McBride McKenna McLuckie Merideth Miller  
Monaco Murray Myers Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Pouche Pryor Purgason Ransdall Reid  
Reinhart Richardson Riley Rizzo Robirds  
Ross Sallee Scheve Schilling Schwab  
Scott Secrest Seigfreid Selby Shelton  
Skaggs Smith Summers Surface Thompson 37  
Treadway Tudor Van Zandt Vogel Ward  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 022

Auer Ballard Bartelsmeyer Berkstresser Blunt  
Boatright Champion Crawford Gibbons Griesheimer  
Gross Hohulin Holand Kennedy Linton  
Lograsso McClelland Murphy Patek Reynolds  
Townley Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Abel Bartle Daniel Foley Ford  
Graham 24 Green Relford Ridgeway Shields  
Stokan Thompson 72 Troupe Wagner Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Selby, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

#### HOUSE BILL WITH SENATE AMENDMENTS

**SS#2 HCS HB 889, as amended**, relating to read to be ready program, was taken up by Representative Relford.

On motion of Representative Relford, **SS#2 HCS HB 889, as amended**, was adopted by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Boykins Bray 84 Britt

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Crawford Crump Davis 122

Davis 63 Days Dolan Dougherty Elliott

Enz Evans Farnen Fitzwater Ford

Foster Franklin Fraser Froelker Gambaro

Gaskill George Gibbons Graham 106 Graham 24

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkemeyer Luetkenhaus Marble May 108 Mays 50

McBride McClelland McKenna McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Selby

Shelton Shields Skaggs Smith Stokan

Summers Surface Townley Treadway Tudor

Van Zandt Vogel Wagner Ward Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 011

Abel Daniel Foley Myers Parker

Richardson Ridgeway Thompson 37 Thompson 72 Troupe

Wiggins

VACANCIES: 002

On motion of Representative Relford, **SS#2 HCS HB 889, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 150

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Gibbons Graham 106

Graham 24 Gratz Griesheimer Gross Gunn

Hagan-Harrell Hampton Hanaway Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kelley 47 Kennedy King

Kissell Klindt Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkemeyer

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McKenna McLuckie Merideth Miller

Monaco Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Riley Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Surface Townley

Treadway Tudor Vogel Wagner Ward

Wiggins Williams 159 Wilson Wright Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel Foley Green Kelly 27 Ridgeway

Thompson 37 Thompson 72 Troupe Van Zandt Williams 121

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 139

Abel Akin Alter Auer Ballard

Barnett Bartelsmeyer Bartle Berkowitz Berkstresser

Black Blunt Boatright Bonner Boucher

Boykins Bray 84 Britt Campbell Carter

Champion Chrismer Clayton Crawford Crump

Davis 122 Davis 63 Days Dolan Dougherty

Elliott Enz Evans Farnen Fitzwater

Ford Foster Franklin Fraser Froelker

Gambaro Gaskill George Graham 106 Graham 24

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hampton Hanaway Harlan Hartzler 123 Hartzler 124

Hegeman Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47

Kelly 27 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Long Loudon Luetkemeyer

Luetkenhaus May 108 Mays 50 McBride McClelland

McKenna McLuckie Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald



O'Connor O'Toole Ostmann Overschmidt Patek

Pouche Pryor Purgason Ransdall Reid

Reinhart Relford Reynolds Richardson Riley

Rizzo Robirds Ross Sallee Schilling

Schwab Secrest Seigfreid Selby Shelton

Shields Skaggs Smith Stokan Summers

Surface Townley Treadway Tudor Van Zandt

Vogel Wagner Ward Wiggins Williams 121

Williams 159 Wilson Wright Mr. Speaker

NOES: 005

Barry 100 Gibbons Hendrickson Hohulin Scheve

PRESENT: 000

ABSENT WITH LEAVE: 017

Backer Bennett Burton Cierpiot Daniel

Foley Green Liese Linton Lograsso

Marble Parker Ridgeway Scott Thompson 37

Thompson 72 Troupe

VACANCIES: 002

On motion of Representative McBride, title to the bill was agreed to.

Representative McKenna moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

#### BILLS IN CONFERENCE

**CCR HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended**, relating to court procedure and jurisdiction, was taken up by Representative May (108).

Representative May (108) offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 46, Section 455.035, Lines 2-4 of said page, by striking the following: "**Furthermore, the penalty provided by subsection 7 of section 455.085 shall not apply to any person who has not been served with an ex parte order of protection.**"; and

Further amend said bill, page 105, section 7, line 10 of said page, by inserting immediately after said line the following:

Section 8. Any county, city, town, village or other political subdivision found to have filed a frivolous action against any firearms

or ammunition manufacturer, trade association or dealer, shall be liable for all costs, attorneys' fees and other sanctions as the court finds necessary to prevent such future actions by the plaintiff or entities similarly situated.; and

Further amend the title and enacting clause accordingly.

Representative Lograsso raised a point of order that the conferees exceeded the position of the House on House Substitute Amendment No. 1 for House Amendment No. 7.

The motion to adopt **CCR HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended, and House Perfecting Amendment No. 1** was withdrawn.

Representative May (108) moved that **CCR HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended, with House Perfecting Amendment No. 1, and with concurrence of the House to unbind the conferees**, be adopted.

Which motion was adopted by the following vote:

AYES: 107

Backer Barnett Barry 100 Bartle Bennett

Berkowitz Berkstresser Bonner Boucher Boykins

Britt Campbell Carter Clayton Crawford

Crump Davis 122 Days Dougherty Enz

Evans Farnen Fitzwater Foley Ford

Fraser Gambaro Gaskill George Gibbons

Graham 106 Graham 24 Green Gross Gunn

Hagan-Harrell Hampton Harlan Hartzler 123 Hartzler 124

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kennedy

Kissell Klindt Kreider Lakin Lawson

Levin Long Loudon Luetkemeyer Luetkenhaus

Marble May 108 Mays 50 McBride McKenna

McLuckie Merideth Miller Monaco Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Ransdall

Reinhart Relford Richardson Riley Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Seigfreid Selby Shelton Skaggs

Smith Stokan Summers Treadway Tudor

Vogel Wagner Ward Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 046

Abel Akin Alter Auer Ballard

Black Blunt Boatright Bray 84 Burton

Champion Chrismer Cierpiot Davis 63 Dolan

Elliott Foster Franklin Froelker Gratz  
Griesheimer Hanaway Hegeman Hohulin Kelley 47  
Kelly 27 King Koller Leake Legan  
Liese Linton Lograsso McClelland Murphy  
Murray Pryor Purgason Reid Reynolds  
Secrest Surface Townley Van Zandt Wiggins  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Bartelsmeyer Daniel Ridgeway Scott Shields  
Thompson 37 Thompson 72 Troupe

VACANCIES: 002

On motion of Representative May (108), **CCS HS HCS SS SCS SBs 1, 92, 111, 129 & 222, as amended by House Perfecting Amendment No. 1**, was truly agreed to and finally passed by the following vote:

AYES: 123

Abel Akin Barnett Barry 100 Bartle  
Bennett Berkowitz Berkstresser Bonner Boucher  
Boykins Bray 84 Britt Burton Campbell  
Carter Chrismer Cierpiot Clayton Crawford  
Crump Davis 122 Days Dolan Dougherty  
Enz Evans Farnen Fitzwater Foley  
Ford Foster Fraser Gambaro Gaskill  
George Gibbons Graham 106 Graham 24 Green  
Gross Gunn Hagan-Harrell Hampton Harlan  
Hartzler 123 Hartzler 124 Hendrickson Hickey Hilgemann  
Holand Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Legan Levin Liese Lograsso Long  
Loudon Luetkenhaus Marble May 108 Mays 50  
McBride McClelland McKenna McLuckie Merideth  
Miller Monaco Murphy Naeger Nordwald  
O'Connor O'Toole Ostmann Overschmidt Parker  
Patek Pouche Pryor Ransdall Reinhart  
Relford Richardson Riley Rizzo Ross  
Sallee Scheve Schilling Schwab Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Surface Thompson 37 Treadway Tudor

Van Zandt Vogel Wagner Ward Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 028

Alter Auer Backer Ballard Black

Blunt Boatright Davis 63 Elliott Franklin

Froelker Gratz Griesheimer Hanaway Hegeman

Hohulin King Linton Murray Purgason

Reid Reynolds Robirds Secrest Summers

Townley Wiggins Wright

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer Champion Daniel Kennedy Luetkemeyer

Myers Ridgeway Scott Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Wagner, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SCS SB 394, as amended**, relating to property ownership and taxes, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **CCR HS HCS SCS SB 394, as amended**, was adopted by the following vote:

AYES: 119

Abel Alter Backer Barnett Barry 100

Bennett Berkowitz Berkstresser Black Bonner

Boucher Boykins Bray 84 Britt Burton

Campbell Carter Champion Cierpiot Clayton

Crawford Crump Davis 122 Davis 63 Days

Dolan Dougherty Elliott Farnen Fitzwater

Foley Ford Franklin Fraser Gambaro

George Gibbons Graham 106 Graham 24 Gratz

Green Gunn Hagan-Harrell Hampton Harlan

Hartzler 124 Hegeman Hickey Hilgemann Hollingsworth

Hoppe Hosmer Howerton Kasten Kelley 47



Kelly 27 Kennedy King Kissell Klindt  
Koller Kreider Lakin Lawson Leake  
Levin Liese Lograsso Long Luetkenhaus  
Marble May 108 Mays 50 McClelland McKenna  
McLuckie Merideth Miller Monaco Murray  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Pouche Ransdall  
Reid Reinhart Relford Riley Rizzo  
Ross Sallee Scheve Schilling Secrest  
Seigfreid Selby Shelton Shields Skaggs  
Smith Stokan Summers Thompson 37 Treadway  
Tudor Vogel Wagner Ward Wiggins  
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 030

Akin Auer Ballard Bartle Blunt  
Boatright Enz Evans Foster Froelker  
Griesheimer Gross Hanaway Hendrickson Hohulin  
Holand Legan Linton Loudon Luetkemeyer  
Murphy Myers Pryor Purgason Reynolds  
Robirds Schwab Surface Townley Wright

PRESENT: 001

Chrismer

ABSENT WITH LEAVE: 011

Bartelsmeyer Daniel Gaskill Hartzler 123 McBride  
Richardson Ridgeway Scott Thompson 72 Troupe  
Van Zandt

VACANCIES: 002

On motion of Representative Hoppe, **CCS HS HCS SCS SB 394** was truly agreed to and finally passed by the following vote:

AYES: 122

Abel Alter Backer Barnett Barry 100  
Bartelsmeyer Bennett Berkowitz Berkstresser Bonner  
Boucher Boykins Bray 84 Britt Burton  
Campbell Carter Champion Chrismer Cierpiot  
Clayton Crawford Crump Davis 122 Davis 63  
Days Dolan Dougherty Elliott Farnen  
Fitzwater Foley Ford Franklin Fraser

Gambaro Gaskill George Gibbons Graham 24  
Gratz Green Gross Gunn Hagan-Harrell  
Hampton Harlan Hartzler 123 Hartzler 124 Hendrickson  
Hickey Hollingsworth Hoppe Hosmer Howerton  
Kasten Kelley 47 Kelly 27 Kennedy Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Levin Liese Lograsso Long  
Luetkenhaus Marble May 108 Mays 50 McBride  
McClelland McKenna McLuckie Merideth Miller  
Monaco Murray Naeger Nordwald O'Connor  
O'Toole Ostmann Overschmidt Parker Patek  
Pouche Pryor Ransdall Reid Reinhart  
Relford Riley Rizzo Robirds Scheve  
Schilling Secrest Seigfreid Selby Shelton  
Shields Skaggs Smith Stokan Summers  
Surface Treadway Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson Mr. Speaker

NOES: 026

Akin Auer Ballard Bartle Black  
Blunt Boatright Enz Evans Foster  
Froelker Graham 106 Griesheimer Hanaway Hegeman  
Hohulin Holand Legan Loudon Luetkemeyer  
Murphy Purgason Reynolds Schwab Townley  
Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Daniel Hilgemann King Linton Myers  
Richardson Ridgeway Ross Sallee Scott  
Thompson 37 Thompson 72 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hickey, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

## HOUSE RESOLUTION

**HR 1509**, relating to the Honorable Lloyd Daniel, was taken up by Representative Gaw and read.

### House Resolution No. 1509

WHEREAS, the members of the Missouri House of Representatives wish to convey a special message of gratitude to their esteemed colleague, the Honorable Lloyd Daniel, State Representative from District Number 42 in the Kansas City metropolitan area; and

WHEREAS, a state legislator for four and one-half years, Lloyd Daniel is leaving his duties and obligations as an elected official to accept the position of Assistant Director of the Missouri Department of Economic Development on Monday, May 17, 1999, at the request of Director and former House member Joe Driskill; and

WHEREAS, his role at the Department of Economic Development will allow Lloyd Daniel to focus his energy on small-business development, cultural tourism, and trade between Missouri, Africa, and the Caribbean; and

WHEREAS, during his tenure in the House, forty-six-year-old Lloyd Daniel provided leadership as chairman of the Joint Committee on Economic Development Policy & Planning; offered direction as vice chairman of the Tourism, Recreation & Cultural Affairs committee; and served as a highly valued member of the Appropriation-Natural & Economic Resources; Education-Higher; and Ways & Means committees; and

WHEREAS, author of three books of poetry, essays, and curricula, the Honorable Lloyd Daniel graduated from Paseo High School in Kansas City and went on to earn a Bachelor of Science degree in education from the University of Kansas and a Master of Arts degree in education from the University of Connecticut; and

WHEREAS, down through the years, Representative Lloyd Daniel hosted and produced for National Public Television affiliate KCPT Channel 19; appeared in Newsweek magazine, Final Call newspaper, and National Public Radio programs; served as a professor, an instructor, a community development specialist, and a teacher; enjoyed success as director of the Urban Economic Development Institute; and met the challenge as writer and community engagement coordinator with the Urban Bush Women Performance Company of New York City:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to applaud the life and work of Representative Lloyd Daniel, to congratulate him upon his appointment as Assistant Director of the Missouri Department of Economic Development, and to wish him well in his continuing quest for excellence in service to the people of this fine state; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution in heartfelt appreciation of our esteemed colleague, the Honorable Lloyd Daniel.

## LETTER OF RESIGNATION

May 11, 1999

Governor Mel Carnahan

State Capitol

201 West Capitol Avenue

Jefferson City, MO 65101

Gov. Carnahan:

So that I may take the position of Assistant Director in Missouri's Department of Economic Development, I regretfully submit

this letter of resignation from Missouri's House of Representatives.

I appreciate your support over the years, and will still need it in my new position. My resignation will be effective as of 11:59 p.m., May 16, 1999.

Sincerely,

/s/ Rep. Lloyd Daniel

The following member's presence was noted: Troupe.

#### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 3:00 p.m., Tuesday, May 18, 1999.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Seventieth Day, Thursday, May 13, 1999, page 2122, roll call, by showing Representatives Campbell, Kelly (27) and Lawson voting "aye" rather than "absent with leave".

Pages 2122 and 2123, roll call, by showing Representative Campbell voting "aye" rather than "absent with leave".

Pages 2124 and 2125, roll call, by showing Representative Lawson voting "aye" rather than "absent with leave".

Pages 2124 and 2125, roll call, by showing Representative Black voting "aye" rather than "no".

Pages 2125 and 2126, roll call, by showing Representatives Barnett, Berkstresser and Dolan voting "no" rather than "absent with leave".

Pages 2125 and 2126, roll call, by showing Representative Black voting "aye" rather than "no".

Pages 2125 and 2126, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".

Pages 2126 and 2127, roll call, by showing Representatives Gross and McKenna voting "aye" rather than "absent with leave".

Page 2127, roll call, by showing Representative Miller voting "no" rather than "aye".

Page 2127, roll call, by showing Representatives Dolan and McKenna voting "aye" rather than "absent with leave".

Pages 2127 and 2128, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Pages 2128 and 2129, roll call, by showing Representatives Dolan, Fitzwater, Loudon and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 2129 and 2130, roll call, by showing Representatives Fitzwater, Luetkemeyer, Luetkenhaus and Nordwald voting "aye" rather than "absent with leave".

Pages 2130 and 2131, roll call, by showing Representative Barnett voting "aye" rather than "no".

Pages 2130 and 2131, roll call, by showing Representatives Burton, Froelker, Hilgemann and Reinhart voting "aye" rather than



"absent with leave".

Pages 2131 and 2132, roll call, by showing Representatives Burton, Dolan and Nordwald voting "aye" rather than "absent with leave".

Pages 2132 and 2133, roll call, by showing Representatives Kelly (27) and Myers voting "aye" rather than "absent with leave".

Pages 2133 and 2134, roll call, by showing Representatives Crawford and Ladd Stokan voting "aye" rather than "absent with leave".

Pages 2134 and 2135, roll call, by showing Representatives Berkstresser, Merideth, Parker and Ladd Stokan voting "aye" rather than "absent with leave".

Page 2135, roll call, by showing Representatives Foster, Franklin, Lakin, Luetkenhaus and Patek voting "aye" rather than "absent with leave".

Page 2136, roll call, by showing Representatives Dolan, Luetkenhaus, Patek and Ladd Stokan voting "aye" rather than "absent with leave".

Pages 2136 and 2137, roll call, by showing Representatives Berkstresser, Dolan, Luetkenhaus, Patek and Ladd Stokan voting "aye" rather than "absent with leave".

Page 2138, roll call, by showing Representatives Hanaway, Hilgemann, Long, Pouche and Ladd Stokan voting "aye" rather than "absent with leave".

Pages 2143 and 2144, roll call, by showing Representatives Howerton, Luetkemeyer and Myers voting "aye" rather than "absent with leave".

Pages 2144 and 2145, roll call, by showing Representatives Dolan, Howerton, Long, Myers, Parker and Pouche voting "aye" rather than "absent with leave".

Pages 2144 and 2145, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Pages 2145 and 2146, roll call, by showing Representatives Dolan, Howerton, Levin, Long, Myers, Parker and Pouche voting "aye" rather than "absent with leave".

Pages 2145 and 2146, roll call, by showing Representative Luetkemeyer voting "no" rather than "absent with leave".

Page 2148, roll call, by showing Representatives Bonner, Dolan, Luetkemeyer, Myers and Williams (159) voting "aye" rather than "absent with leave".

Page 2149, roll call, by showing Representatives Bonner, Campbell, Dolan, Fitzwater, Froelker, Luetkemeyer, Myers and Wright voting "aye" rather than "absent with leave".

Pages 2154 and 2155, roll call, by showing Representatives Bonner, Dolan, Hanaway, Luetkemeyer, Myers, Pouche and Williams (159) voting "aye" rather than "absent with leave".

Page 2155, roll call, by showing Representatives Bonner, Campbell, Dolan, Levin, Luetkemeyer, Pouche and Williams (159) voting "aye" rather than "absent with leave".

Page 2156, roll call, by showing Representatives Dolan, Luetkemeyer and Williams (159) voting "aye" rather than "absent with leave".

Page 2157, roll call, by showing Representatives Dolan, Franklin and Williams (159) voting "aye" rather than "absent with leave".

Page 2158, roll call, by showing Representatives Franklin and Williams (159) voting "aye" rather than "absent with leave".

Pages 2161 and 2162, roll call, by showing Representatives Berkstresser and Dolan voting "aye" rather than "absent with leave".

Page 2166, roll call, by showing Representative Bartelsmeyer voting "no" rather than "absent with leave".

Page 2169, roll call, by showing Representatives McKenna and Selby voting "aye" rather than "no".

Page 2169, roll call, by showing Representatives Long, Mays (50) and Williams (159) voting "aye" rather than "absent with leave".

Page 2169, roll call, by showing Representative O'Connor voting "no" rather than "absent with leave".

Pages 2173 and 2174, roll call, by showing Representative Scott voting "no" rather than "absent with leave".

Pages 2181 and 2182, roll call, by showing Representatives Barnett, Dolan, Hilgemann, Merideth and Pouche voting "aye" rather than "absent with leave".

Pages 2182 and 2183, roll call, by showing Representative Bartelsmeyer voting "no" rather than "absent with leave".

Page 2184, roll call, by showing Representative Mays (50) voting "aye" rather than "absent with leave".

Pages 2185 and 2186, roll call, by showing Representatives Dolan, Mays (50) and Pouche voting "aye" rather than "absent with leave".

Pages 2205 and 2206, roll call, by showing Representatives Champion, Dolan, Foster, Mays (50) and Parker voting "aye" rather than "absent with leave".

Pages 2208 and 2209, roll call, by showing Representatives Dolan, Gross and Long voting "aye" rather than "absent with leave".

Pages 2209 and 2210, roll call, by showing Representatives Dolan, Gambaro and Long voting "aye" rather than "absent with leave".

Page 2211, roll call, by showing Representatives Dolan, Long and Luetkenhaus voting "aye" rather than "absent with leave".

Page 2211, roll call, by showing Representative Boatright voting "no" rather than "absent with leave".

Pages 2211 and 2212, roll call, by showing Representatives Bartelsmeyer, Dolan, Klindt, Long, Luetkenhaus, Nordwald and Relford voting "aye" rather than "absent with leave".

Page 2222, roll call, by showing Representative Ross voting "aye" rather than "absent with leave".

Page 2230, roll call, by showing Representatives Parker, Relford and Ross voting "aye" rather than "absent with leave".

Pages 2231 and 2232, roll call, by showing Representatives Days, Franklin and O'Connor voting "aye" rather than "absent with leave".

Pages 2231 and 2232, roll call, by showing Representatives Bartelsmeyer, Hanaway and Ross voting "no" rather than "absent with leave".





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## House Journal

First Regular Session, 90th General Assembly

SEVENTY-SECOND DAY, Tuesday, May 18, 1999

Speaker Gaw in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

### COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SCS HB 1, CCS HB 2, CCS HB 3, CCS HB 4, CCS HB 5, CCS HB 6, CCS HB 7, CCS HB 8, CCS HB 9, CCS HB 10, CCS HB 11, CCS HB 12, CCS HB 13, HB 15, HB 16, HB 17, CCS HB 18, HB 19, SCS HB 35, SCS HB 39, HB 76, SCS HB 79, HB 94, HB 103, HB 136, HB 145, SCS HB 152, HB 165, HB 185, HB 201, HB 216, HB 242, CCS SCS HB 248, HS HCS HB 256, HB 257, HB 265, HB 268, HB 271, HS HCS HB 274, SCS HB 275, HB 282, HB 290, HB 300, HB 326, HB 327, HB 328, HB 346, CCS SCS HCS HB 348, HB 352, HB 358, HB 359, SCS HB 366, HB 399, HB 402, HB 409, HB 415, SS#3 SCS HS HCS HBs 427, 40, 196 & 404, HB 445, HB 453, SCS HS HB 454, SCS HB 464, HB 472, SCS HB 476, HB 478, HB 487, HB 514, HB 517, HB 518, HB 528, HB 541, SCS HB 548, HB 568, HB 570, HB 607, HB 646, HB 661, HB 662, HB 678, HB 708, SCS HB 721, HB 741, HB 748, HB 776, HB 778, SCS HB 779, CCS SCS HB 789, HB 791, SCS HB 792, SCS HB 795, HB 796, HB 800, SCS HCS HB 814, HB 834, HB 853, HB 857, HB 861, SCS HB 866, HB 867, HB 893, HB 895, HB 915, HB 920, HB 926, HB 929, HB 930, HB 965, HB 979, HB 987 and HB 988**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

### SIGNING OF HOUSE BILLS

All other business of the House was suspended while **SCS HB 1, CCS HB 2, CCS HB 3, CCS HB 4, CCS HB 5, CCS HB 6, CCS HB 7, CCS HB 8, CCS HB 9, CCS HB 11, CCS HB 12, CCS HB 13, HB 15, HB 16, HB 17, CCS HB 18, HB 19, SCS HB 35, SCS HB 39, HB 76, SCS HB 79, HB 94, HB 103, HB 136, HB 145, SCS HB 152, HB 165, HB 185, HB 201, HB 216, HB 242, CCS SCS HB 248, HS HCS HB 256, HB 257, HB 265, HB 268, HB 271, HS HCS HB 274, SCS HB 275, HB 282, HB 290, HB 300, HB 326, HB 327, HB 328, HB 346, CCS SCS HCS HB 348, HB 352, HB 358, HB 359, SCS HB 366, HB 399, HB 402, HB 409, HB 409, HB 415, HB 445, HB 453, SCS HS HB 454, SCS HB 464, HB 472, SCS HB 476, HB 478, HB 487, HB 514, HB 517, HB 518, HB 528, HB 541, SCS HB 548, HB 568, HB 570, HB 607, HB 646, HB 661, HB 662, HB 678, HB 708, SCS HB 721, HB 741, HB 748, HB 776, HB 778, SCS HB 779, CCS SCS HB 789, HB 791, SCS HB 792, SCS HB 795, HB 796, HB 800, SCS HCS HB 814, HB 834, HB 853, HB 857, HB 861, SCS HB 866, HB 867, HB 893, HB 895, HB 915, HB 920, HB 926, HB 929, HB 930, HB 965, HB 979, HB 987 and HB 988**, were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HB 1, CCS HB 2, CCS HB 3, CCS HB 4, CCS HB 5, CCS HB 6, CCS HB 7, CCS HB 8, CCS HB 9, CCS HB 11, CCS HB 12, CCS HB 13, HB 15, HB 16, HB 17, CCS HB 18, HB 19, SCS HB 35, SCS HB 39, HB 76, SCS HB 79, HB 94, HB 103, HB 136, HB 145, SCS HB 152, HB 165, HB 185, HB 201, HB**



216, HB 242, CCS SCS HB 248, HS HCS HB 256, HB 257, HB 265, HB 268, HB 271, HS HCS HB 274, SCS HB 275, HB 282, HB 290, HB 300, HB 326, HB 327, HB 328, HB 346, CCS SCS HCS HB 348, HB 352, HB 358, HB 359, SCS HB 366, HB 399, HB 402, HB 409, HB 415, HB 445, HB 453, SCS HS HB 454, SCS HB 464, HB 472, SCS HB 476, HB 478, HB 487, HB 514, HB 517, HB 518, HB 528, HB 541, SCS HB 548, HB 568, HB 570, HB 607, HB 646, HB 661, HB 662, HB 678, HB 708, SCS HB 721, HB 741, HB 748, HB 776, HB 778, SCS HB 779, CCS SCS HB 789, HB 791, SCS HB 792, SCS HB 795, HB 796, HB 800, SCS HCS HB 814, HB 834, HB 853, HB 857, HB 861, SCS HB 866, HB 867, HB 893, HB 895, HB 915, HB 920, HB 926, HB 929, HB 930, HB 965, HB 979, HB 987 and HB 988 were delivered to the Governor by the Chief Clerk of the House.

Representative Schilling offered an objection to **CCS HB 10** which was appended to the bill.

#### LETTER OF OBJECTION

I object to the signing of Conference Committee Report on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, because sections 10.705 and 10.710 violate Article III, Section 23 of the Missouri Constitution by legislating beyond general spending authority in an appropriations bill.

/s/ Rep. Mike Schilling - 136

All other business of the House was suspended while **CCS HB 10** was read at length and was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS HB 10** was delivered to the Governor by the Chief Clerk of the House.

#### SIGNING OF SENATE BILLS

All other business of the House was suspended while **SJR 25, SB 7, SB 10, SB 12, SB 15, SB 17, HCS#2 SB 25, SB 28, CCS#2 HCS SCS SBs 31 & 285, HCS SB 32, HCS SB 33, HCS SB 34, SB 76, SB 81, SB 83, SCS SB 90, SB 112, SB 139, SB 152, SB 153, SCS SB 159, HCS SS#2 SB 163, SB 169, SCS SB 176, SB 177, SB 184, SB 188, SB 189, SB 197, SB 207, SB 213, HCS SB 214, SB 216, CCS HCS SB 219, SB 220, SB 237, SCS SB 244, SB 261, SB 268, HCS SB 270, SB 271, HCS SB 278, CCS#2 HS HCS SB 291, HS HCS SCS SBs 295 & 46, SS SB 309, CCS HS SB 310, SB 321, SB 329, HCS SCS SB 334, SB 348, SB 352, SB 353, SB 357, SB 362, HCS SCS SB 386, SCS SB 391, SB 403, HCS SCS SB 405, SB 410, SB 414, SCS SB 423, SB 424, HCS SB 426, SB 434, SB 435, SB 460, SS SCS SB 467, SB 479 and SB 495**, were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

#### ADJOURNMENT

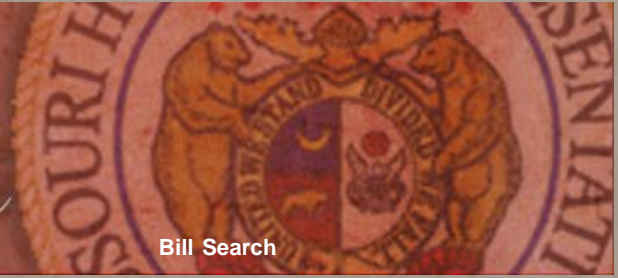
On motion of Speaker Gaw, the House adjourned until 4:00 p.m., Wednesday, May 26, 1999.



Missouri House of Representatives

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## House Journal

First Regular Session, 90th General Assembly

SEVENTY-THIRD DAY, Wednesday, May 26, 1999

Speaker Gaw in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

### COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SCS HCS HB 60, CCS SCS HCS HB 139, HS HB 162, SS#2 SCS HB 191, HB 261, CCS SS SCS HCS HB 267, SS SCS HCS HBs 316, 660 & 203, CCS SCS HCS HB 343, CCS SCS HB 368, SCS HB 401, CCS SS SCS HS HB 450, CCS SS SCS HCS HB 490 & HCS HB 308, CCS SS SCS HS HB 516, CCS SCS HCS HBs 603, 722 & 783, CCS SS SCS HCS HB 676, CCS SS SCS HS HCS HB 701, CCS SS SCS HS HCS HB 793, CCS SCS HS HCS HB 852, SS SCS HCS HB 888, SS#2 HCS HB 889 and HB 903**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

### SIGNING OF HOUSE BILLS

All other business of the House was suspended while **HCR 35, HCR 17, SCS HCS HB 60, CCS SCS HCS HB 139, HS HB 162, SS#2 SCS HB 191, HB 261, CCS SS SCS HCS HB 267, SS SCS HCS HBs 316, 660 & 203, CCS SCS HCS HB 343, CCS SCS HB 368, SCS HB 401, CCS SS SCS HS HB 450, CCS SS SCS HCS HB 490 & HCS HB 308, CCS SS SCS HS HB 516, CCS SCS HCS HBs 603, 722 & 783, CCS SS SCS HCS HB 676, CCS SS SCS HS HCS HB 701, CCS SS SCS HS HCS HB 793, CCS SCS HS HCS HB 852, SS SCS HCS HB 888, SS#2 HCS HB 889 and HB 903** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Representative Riback-Wilson offered an objection to **SS#3 SCS HS HCS HBs 427, 40, 196 & 404**.

### LETTER OF OBJECTION

Comes now, the undersigned duly elected members of the Missouri House of Representatives to present the following objection, pursuant to Article III, Section 30, of the Missouri Constitution, to Senate Substitute # 3 for Senate Committee

Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 & 404. This legislation should not be signed because it is constitutionally infirm, and this objection shall be so noted in the Journal and annexed to the bill for the governor's consideration.

We believe that Senate Substitute # 3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 & 404 is constitutionally defective because, in violation of the United States Constitution, it does not contain an exception for the mother's health. The Supreme Court has held that "even a law limited to viable fetuses . . . must make an exception for pregnancies which endanger the woman's life or *health*." (*Planned Parenthood v. Casey*, 505 U.S. 833 cited in *Planned Parenthood of Wisconsin v. Doyle*, 162 F.3d 463 at 467 (emphasis in original)). Senate Substitute # 3 only contains an exception to "save a life of the mother during pregnancy or birth." Because Senate Substitute #3 fails to protect the mother's health, the substitute impermissibly impairs a woman's liberty interest and right to privacy as repeatedly and consistently asserted by the Supreme Court in *Roe v. Wade*, 410 U.S. 113 (1973), *Doe v. Bolton*, 410 U.S. 179 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

For the above stated reason and other reasons not stated here, we conclude that the Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute to House Bill Nos. 427, 40, 196 & 404 as Truly Agreed and Finally Passed by the Ninetieth General Assembly is unconstitutional and should not be signed.

Respectfully submitted:

/s/ Vicky Riback Wilson

Member, 25th District

Missouri House of Representatives

/s/ Paula J. Carter /s/ Steve McLuckie

/s/ Rita D. Days /s/ Amber Boykins

/s/ Joan Bray /s/ Chuck Graham

/s/ Rodger Fitzwater /s/ Charles "Quincy" Troupe

/s/ Deleta Williams /s/ Mary Hagan-Harrell

/s/ Cindy Ostmann /s/ Robert M. Clayton

/s/ Betty Thompson /s/ Russell Gunn

/s/ Bob Hilgemann /s/ Dorathea Davis

/s/ Dick Franklin /s/ Tim Harlan

/s/ Mike Schilling /s/ Tim Van Zandt

/s/ Scott B. Lakin /s/ Carol J. Mays

/s/ Barbara Fraser /s/ Louis Ford

/s/ Marsha Campbell /s/ Vernon Thompson

/s/ O. L. Shelton

All other business of the House was suspended while **SS#3 SCS HS HCS HBs 427, 40, 196 & 404** was read at length and was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HCR 35, HCR 17, SCS HCS HB 60, CCS SCS HCS HB 139, HS HB 162, SS#2 SCS HB 191, HB 261, CCS SS SCS HCS HB 267, SS SCS HCS HBs 316, 660 & 203, CCS SCS HCS HB 343, CCS SCS HB 368, SCS HB 401, SS#3 SCS HS HCS HBs 427, 40, 196 & 404, CCS SS SCS HS HB 450, CCS SS SCS HCS HB 490 & HCS HB 308, CCS SS SCS HS HB 516, CCS SCS HCS HBs 603, 722 & 783, CCS SS SCS HCS HB 676, CCS SS SCS HS HCS HB 701, CCS SS SCS HS HCS HB 793, CCS SCS HS HCS HB 852, SS SCS HCS HB 888, SS#2 HCS HB 889 and HB 903** were delivered to the Governor by the Chief Clerk of the House.

**SIGNING OF SENATE BILLS**

All other business of the House was suspended while **CCS HS HCS SS SCS SBs 1, 92, 111, 129 & 222, CCS#2 HS HCS SCS SBs 8 & 173, CCS HS HCS SS SCS SBs 14, 60 & 69, CCS HS SS SCS SB 19, CCS#2 HS HCS SB 20, CCS HS HCS SCS SB 61, SB 71, SB 115, HS HCS SS SCS SBs 160 & 82, CCS HCS SB 196, SCS SB 211, CCS SB 294, CCS HS HCS SCS SBs 308 & 314, CCS HS SB 326, SCS SBs 328, 87, 100 & 55, CCS HS HCS SS SCS SB 335, HS HCS SCS SBs 387, 206 & 131, CCS HS HCS SCS SB 394, CCS HS HCS SCS SB 436, HS SCS SB 498 and HS HCS SB 518** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

#### **ADJOURNMENT**

The Speaker declared the House of the 90th General Assembly, convened in First Regular Session on January 6, 1999, adjourned as of midnight, May 30, 1999, in accordance with the Constitution.

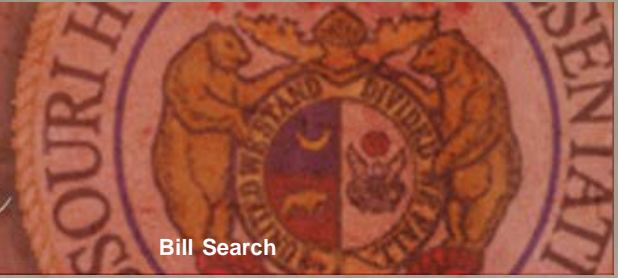


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## House Journal

VEETO SESSION

First Regular Session, 90th General Assembly

FIRST DAY, Wednesday, September 15, 1999

Speaker Gaw in the Chair.

Prayer by Reverend Rudy Beard.

Our Kind and Gracious God, keep us all working at the questions of life and justice that are before our state.

Bless the men and women of this House. May they represent Your truth in their actions.

They are dealing with tough issues. They are facing tough questions. They are being pulled by tough forces.

Grant to them the gift of discerning hearts and minds, so they may act wisely and to know Your peace; and to You be glory and honor, forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Michael Christopher Reid.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 160

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Curls Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Linton Long  
Loudon Luetkemeyer Luetkenhaus Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Parker Patek Phillips Pouche  
Pryor Purgason Ransdall Reid Reinhart  
Relford Reynolds Richardson Ridgeway Riley  
Rizzo Robirds Ross Sallee Scheve  
Schilling Schwab Scott Secrest Seigfreid  
Selby Shelton Shields Skaggs Smith  
Stokan Summers Surface Thompson 37 Thompson 72  
Townley Treadway Troupe Tudor Van Zandt  
Vogel Wagner Ward Wiggins Williams 121  
Williams 159 Wilson 25 Wilson 42 Wright Mr. Speaker

NOES: 000

PRESENT: 001

Lograsso

ABSENT WITH LEAVE: 002

Liese McLuckie

## **RESOLUTIONS**

Representative Crump offered House Resolution No. 1.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 1999 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 1 was adopted by the following vote:

AYES: 159

Abel Akin Alter Auer Backer  
Ballard Barnett Barry 100 Bartelsmeyer Bartle  
Bennett Berkowitz Berkstresser Black Blunt  
Boatright Bonner Boucher Boykins Bray 84  
Britt Burton Campbell Carter Champion  
Chrismer Cierpiot Clayton Crawford Crump  
Curls Davis 122 Davis 63 Days Dolan  
Dougherty Elliott Enz Evans Farnen  
Fitzwater Foley Ford Foster Franklin  
Fraser Froelker Gambaro Gaskill George  
Gibbons Graham 106 Graham 24 Gratz Green  
Griesheimer Gross Gunn Hagan-Harrell Hampton  
Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman  
Hendrickson Hickey Hilgemann Hohulin Holand  
Hollingsworth Hoppe Hosmer Howerton Kasten  
Kelley 47 Kelly 27 Kennedy King Kissell  
Klindt Koller Kreider Lakin Lawson  
Leake Legan Levin Linton Lograsso  
Long Loudon Luetkemeyer Marble May 108  
Mays 50 McBride McClelland McKenna Merideth  
Miller Monaco Murphy Murray Myers  
Naeger Nordwald O'Connor O'Toole Ostmann  
Overschmidt Patek Phillips Pouche Pryor  
Purgason Ransdall Reid Reinhart Relford  
Reynolds Richardson Ridgeway Riley Rizzo  
Robirds Ross Sallee Scheve Schilling  
Schwab Scott Secrest Seigfreid Selby  
Shelton Shields Skaggs Smith Stokan  
Summers Surface Thompson 37 Thompson 72 Townley  
Treadway Troupe Tudor Van Zandt Vogel  
Wagner Ward Wiggins Williams 121 Williams 159  
Wilson 25 Wilson 42 Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Liese Luetkenhaus McLuckie Parker

Representative Crump offered House Resolution No. 2.

#### HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the Chief Clerk and the Accounts, Operations, and Finance Committee of the House be authorized to employ for the 1999 Constitutional Veto Session: a Sergeant-at-Arms, a Reading Clerk, Five Doorkeepers, a Page, and other persons deemed necessary.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 2 was adopted by the following vote:

AYES: 158

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Curls Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kennedy King Kissell Klindt

Koller Kreider Lakin Lawson Leake

Legan Levin Linton Lograsso Long

Loudon Luetkemeyer Marble May 108 McBride

McClelland McKenna Merideth Miller Monaco

Murphy Murray Myers Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Phillips Pouche Pryor Purgason

Ransdall Reid Reinhart Relford Reynolds

Richardson Ridgeway Riley Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Selby Shelton



Shields Skaggs Smith Stokan Summers  
Surface Thompson 37 Thompson 72 Townley Treadway  
Troupe Tudor Van Zandt Vogel Wagner  
Ward Wiggins Williams 121 Williams 159 Wilson 25  
Wilson 42 Wright Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Kelly 27 Liese Luetkenhaus Mays 50 McLuckie

#### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has offered and adopted the following resolution:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

#### **MESSAGES FROM THE GOVERNOR**

##### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 2 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

Section 2.075

I hereby veto \$10,000,000 for donations and federal grants. The appropriation is being reduced to reflect the anticipated spending level.

Donations and federal grants by \$10,000,000 from \$25,000,000 to \$15,000,000 Federal and Other Funds.

From \$25,000,000 to \$15,000,000 in total for the section.

#### Section 2.225

I hereby veto \$4,202,063 for the Job Training Partnership Act. The appropriation is being reduced to reflect the anticipated spending level.

Job Training Partnership Act by \$4,202,063 from \$11,000,000E to \$6,797,937E Federal Funds.

From \$11,000,000E to \$6,797,937E in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 2, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 3 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

#### Section 3.011

I hereby veto \$100,000 proprietary school bond fund for the Proprietary School Indemnity program. The appropriation is being reduced to reflect the anticipated spending level.

Proprietary School Indemnity program by \$100,000 from \$200,000 to \$100,000.

From \$200,000 to \$100,000 in total for Proprietary School Bond Fund.

From \$200,000 to \$100,000 in total for the section.

#### Section 3.070

I hereby veto \$1 federal funds for the Paul Douglas Teacher Scholarship program.

The appropriation is being reduced to reflect the anticipated spending level.

Paul Douglas Teacher Scholarship program by \$1 from \$1 to \$0.

From \$1 to \$0 in total from Federal Fund.

From \$1 to \$0 in total for the section.

#### Section 3.082

I hereby veto \$5,000,000 state guaranty student loan fund transfer to the federal student loan reserve fund. The appropriation

is being reduced to reflect the anticipated spending level.

State Guaranty Student Loan Fund transfer by \$5,000,000 from \$60,000,000 to \$55,000,000.

From \$60,000,000 to \$55,000,000 in total from State Guaranty Student Loan Fund.

From \$60,000,000 to \$55,000,000 in total for the section.

#### Section 3.087

I hereby veto \$100,000 debt offset escrow fund for payment of refunds set off against debt required by Section 143.786, RSMo. The appropriation is being reduced to reflect the anticipated spending level.

Debt offset refunds by \$100,000 from \$850,000 to \$750,000.

From \$850,000 to \$750,00 in total from Debt Offset Escrow Fund.

From \$850,000 to \$750,000 in total for the section.

#### Section 3.088

I hereby veto \$1 lender of last resort revolving fund for lender of last resort student loans. The appropriation is being reduced to reflect the anticipated spending level.

Lender of Last Resort Student Revolving Loan program by \$1 from \$1 to \$0.

From \$1 to \$0 in total from Lender of Last Resort Revolving Loan Fund.

From \$1 to \$0 in total for the section.

#### Section 3.091

I hereby veto \$200,000 debt offset escrow fund for payment of refunds set off against debt required by Section 143.786, RSMo. The appropriation is being reduced to reflect the anticipated spending level.

Debt offset refunds by \$200,000 from \$450,000 to \$250,000.

From \$450,000 to \$250,000 in total from Debt Offset Escrow Fund.

From \$450,000 to \$250,000 in total for the section.

#### Section 3.145

I hereby veto \$100,000 debt offset escrow fund for payment of refunds set off against debt required by Section 143.786, RSMo. The appropriation is being reduced to reflect the anticipated spending level.

Debt offset refunds by \$100,000 from \$300,000 to \$200,000.

From \$300,000 to \$200,000 in total from Debt Offset Escrow Fund.

From \$418,959,256 to \$418,859,256 in total for the section.

#### Section 3.195

I hereby veto \$800,000 state seminary fund for investments. The appropriation is being reduced to reflect the anticipated spending level.

State Seminary Fund investments by \$800,000 from \$3,500,000 to \$2,700,000.

From \$3,500,000 to \$2,700,000 in total from State Seminary Fund.

From \$3,500,000 to \$2,700,000 in total for the section.

#### Section 3.200

I hereby veto \$225,000 state seminary moneys funds, income from investments for interest income. The appropriation is being reduced to reflect the anticipated spending level.

Income from investments by \$225,000 from \$500,000 to \$275,000.

From \$500,000 to \$275,000 in total from State Seminary Moneys Fund, Income from Investments.

From \$500,000 to \$275,000 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 3, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 5 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

#### Section 5.380

I hereby veto \$1,000,000 general revenue for an increase in the per diem rate of payment to counties in costs of criminal cases. The current program is expected to exceed the estimate by about \$5 million, therefore, a rate increase is not affordable at this time, nor is the \$1 million appropriated adequate to pay the new rate. The bill after veto still provides \$25,502,500 to fund the current per diem rate of \$22.50, which has increased 32 percent over Fiscal Year 1996.

From \$26,502,500E to \$25,502,500E in total from the General Revenue Fund.

From \$26,502,500E to \$25,502,500E in total for the section.



On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 5, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 7 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Section 7.800

I hereby veto \$660,713 from the Department of Labor and Industrial Relations for the administration of the Division of Professional Registration. The division remains in the Department of Economic Development, and funds for its administration are included in another section.

Personal Service and/or Expense and Equipment by \$262,925 from \$921,344 to \$658,419.

From \$923,509 to \$660,584 in total from General Revenue Fund.

Personal Service by \$297,985 from \$6,281,264 to \$5,983,279.

Expense and Equipment by \$99,803 from \$9,967,142E to \$9,867,339E.

From \$16,338,201 to \$15,940,413 in total from Unemployment Compensation Administration Fund.

From \$20,671,541 to \$20,010,828 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 7, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 8 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Section 8.095

I hereby veto \$2,022,000 for the Highway Patrol Enforcement program. The appropriation is being reduced to reflect the anticipated spending level.

Expense and Equipment by \$1,250,000 from \$7,915,000 to \$6,665,000.

From \$8,907,351 to \$7,657,351 in total from Federal Funds.

Expense and Equipment by \$772,000 from \$2,072,000 to \$1,300,000.

From \$2,540,402 to \$1,768,402 in total from Criminal Record System Fund.

From \$68,519,675 to \$66,497,675 in total for the section.

Section 8.170

I hereby veto \$250,000 federal funds for the Highway Safety grant program. The appropriation is being reduced to reflect the anticipated spending level.

Highway Safety grant program by \$250,000 from \$4,250,000 to \$4,000,000 Federal Funds.

From \$4,250,000 to \$4,000,000 in total for the section.

Section 8.172

I hereby veto \$2,150,000 federal funds for the Motor Carrier Safety Assistance program. The appropriation is being reduced to reflect the anticipated spending level.

Motor Carrier Safety Assistance program by \$2,150,000 from \$3,000,000 to \$850,000 Federal Funds.

From \$3,000,000 to \$850,000 in total for the section.

Section 8.257

I hereby veto \$350,000 Chemical Emergency Preparedness Fund for the Community Right to Know Act. The appropriation is being reduced to reflect the anticipated spending level.

Community Right to Know Act by \$350,000 from \$1,000,000 to \$650,000 Chemical Emergency Preparedness Fund.

From \$1,000,000 to \$650,000 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 8, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 9 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Section 9.400

I hereby veto \$100,000 general revenue for a transportation pilot program for inmate families. These funds were not requested by the Department of Corrections. The funding provided is inadequate to address the statewide scope of the intended program and it is questionable whether this is an appropriate use of state funds. The Department of Corrections will continue to work with volunteer organizations to facilitate visits for inmates.

For the purpose of funding a pilot project for transportation services to and from correctional facilities provided through a competitive bid process, which would supplement provider's operating costs.

Expense and Equipment by \$100,000 from \$100,000 to \$0.

From \$1,975,498 to \$1,875,498 in total from General Revenue Fund.

From \$1,975,498 to \$1,875,498 in total for the section.

Section 9.520

I hereby veto \$750,000 general revenue for a community services treatment program. These funds were not requested by the Department of Corrections. Over the past several years, the Department of Corrections has invested in intensive probation and parole supervision and other community sentencing initiatives that address this need. This veto will leave \$250,000 for a pilot project that should be implemented and evaluated before an additional expansion is undertaken.

For the purpose of funding Community Services Treatment Program pilot projects in Northwest Missouri, the six counties comprising the bootheel area of Southeast Missouri and in St. Louis City by \$750,000 from \$1,000,000 to \$250,000.

From \$1,000,000 to \$250,000 in total from General Revenue Fund.

From \$1,000,000 to \$250,000 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 9, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 11 entitled:

"AN ACT"

To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Section 11.050

I hereby veto \$582,959 to replace a shortfall in child support enforcement collections with new fees. The intent of this appropriation would impose fees for all non-TANF clients, but there is no consensus on how to implement or collect these fees, and it is unclear under current statutory guidelines if there is sufficient authority to charge fees of this magnitude. Furthermore, these fees may increase total state revenue and would provide an additional financial burden to low-income parents already struggling to meet their child support responsibilities. In addition, the state would be expected to pay the federal government 66 percent of any fees thus markedly decreasing the state's benefit.

Personal Service and/or Expense and Equipment by \$582,959 from \$582,959 to \$0 in total from Child Support Enforcement Collections Fund.

From \$35,488,976 to \$34,906,017 in total for the section.

Section 11.055

I hereby veto \$5,558 to replace a shortfall in child support enforcement collections with new fees. The intent of this appropriation would impose fees for all non-TANF clients, but there is no consensus on how to implement or collect these fees, and it is unclear under current statutory guidelines if there is sufficient authority to charge fees of this magnitude. Furthermore, these fees may increase total state revenue and would provide an additional financial burden to low-income parents already struggling to meet their child support responsibilities. In addition, the state would be expected to pay the federal government 66 percent of any fees thus markedly decreasing the state's benefit.

Expense and Equipment by \$5,558 from \$5,558 to \$0 in total from Child Support Enforcement Collections Fund.

From \$7,703,658 to \$7,698,100 in total for the section.

Section 11.060

I hereby veto \$146,074 to replace a shortfall in child support enforcement collections with new fees. The intent of this appropriation would impose fees for all non-TANF clients, but there is no consensus on how to implement or collect these fees, and it is unclear under current statutory guidelines if there is sufficient authority to charge fees of this magnitude. Furthermore, these fees may increase total state revenue and would provide an additional financial burden to low-income parents already struggling to meet their child support responsibilities. In addition, the state would be expected to pay the federal government 66 percent of any fees thus markedly decreasing the state's benefit.

Personal Service by \$146,074 from \$146,074 to \$0 in total from Child Support Enforcement Collections Fund.

From \$6,229,051 to \$6,082,977 in total for the section.

Section 11.065



I hereby veto \$820,864, including \$75,000 general revenue, for expansion of the MARCH program into two additional judicial circuits and replacement of a shortfall in child support enforcement collections with new fees. The funds for the MARCH program expansion were not requested by the Department of Social Services. It is premature to expand this program with general revenue given the financial position of the child support enforcement collections fund. The intent of this appropriation would impose fees for all non-TANF clients, but there is no consensus on how to implement or collect these fees, and it is unclear under current statutory guidelines if there is sufficient authority to charge fees of this magnitude. Furthermore, these fees may increase total state revenue and would provide an additional financial burden to low-income parents already struggling to meet their child support responsibilities. In addition, the state would be expected to pay the federal government 66 percent of any fees thus markedly decreasing the state's benefit.

Expense and Equipment by \$75,000 from \$2,129,358 to \$2,054,358 from General Revenue Fund.

From \$3,215,489 to \$3,140,489 in total from the General Revenue Fund.

Expense and Equipment by \$470,042 from \$3,577,528 to \$3,107,486 from Child Support Enforcement Collections Fund.

Personal Service and/or Expense and Equipment by \$275,822 from \$341,790 to \$65,968 from Child Support Enforcement Collections Fund.

From \$11,162,892 to \$10,417,028 in total from the Child Support Enforcement Collections Fund.

From \$48,407,842 to \$47,586,978 in total for the section.

#### Section 11.305

I hereby veto \$100,000 general revenue for textbooks and other educational materials. These funds were not requested by the Department of Social Services. Currently, money for textbooks and educational materials is provided through funds received from the Department of Elementary and Secondary Education, which are sufficient to meet existing need.

Expense and Equipment by \$100,000 from \$3,915,670 to \$3,815,670 from General Revenue Fund.

From \$33,794,901 to \$33,694,901 in total from General Revenue Fund.

From \$51,744,126 to \$51,644,126 in total for the section.

#### Section 11.447

I hereby veto \$2,500,000, including \$1,000,000 general revenue, for funding a pilot project that would institute a case-mix reimbursement system for nursing facilities. The amount appropriated for this purpose is arbitrary and not based on a budgetary cost estimate for this program. This type of reimbursement system would drastically change the current reimbursement method and could have significant budgetary implications for the state in the future. The administrative costs alone for implementing and monitoring this new reimbursement method could be substantial. Additional study of this reimbursement methodology is needed to determine whether it is a feasible and financially viable option in Missouri before money is spent to implement such a program.

Said section is vetoed in its entirety from \$1,000,000 to \$0 in total from General Revenue Fund.

From \$1,500,000 to \$0 in total from Federal Funds.

From \$2,500,000 to \$0 in total for the section.

#### Section 11.465

I hereby veto \$139,999,999 other funds for funding payments to hospitals under the Federal Reimbursement Allowance Program. The appropriation is being reduced to reflect the anticipated spending level.

Program Specific Distribution by \$139,999,999 from \$140,000,000E to \$1E in total from Federal Reimbursement Allowance Fund.

From \$353,000,000E to \$213,000,001E in total for the section.

#### Section 11.505

I hereby veto \$85,999,999 other funds for funding payments to nursing facilities under the Nursing Facility Federal

Reimbursement Allowance Program. The appropriation is being reduced to reflect the anticipated spending level.

Program Specific Distribution by \$85,999,999 from \$86,000,000E to \$1E in total from Nursing Facility Federal Reimbursement Allowance Fund.

From \$216,000,000E to \$130,000,001E in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 11, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 12 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

#### Section 12.005

I hereby veto \$5,638 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$5,638 to \$0.

From \$2,126,706 to \$2,121,068 in total from General Revenue Fund.

From \$2,126,706 to \$2,121,068 in total for the section.

#### Section 12.040

I hereby veto \$4,112 general revenue for the salary of the Lieutenant Governor to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

For the salary of the Lieutenant Governor by \$4,112 from \$72,300 to \$68,188.

From \$402,007 to \$397,895 in total from General Revenue Fund.

From \$402,007 to \$397,895 in total for the section.

#### Section 12.045

I hereby veto \$4,524 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$4,524 from \$4,524 to \$0.

From \$11,141,766 to \$11,137,242 in total from General Revenue Fund.

From \$16,317,678 to \$16,313,154 in total for the section.

#### Section 12.090

I hereby veto \$4,524 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$4,524 from \$4,524 to \$0.

From \$6,089,139 to \$6,084,615 in total from General Revenue Fund.

From \$7,949,253 to \$7,944,729 in total for the section.

#### Section 12.100

I hereby veto \$4,524 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$4,524 from \$4,524 to \$0.

From \$1,944 to \$1,940,457 in total from General Revenue Fund.

From \$2,632,726 to \$2,628,202 in total for the section.

#### Section 12.140

I hereby veto \$4,895 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$4,895 from \$4,895 to \$0.

From \$11,856,931 to \$11,852,036 in total from General Revenue Fund.

From \$16,493,299 to \$16,488,404 in total for the section.

#### Section 12.200



I hereby veto \$39,564 general revenue for the purpose of funding the salaries of the Judges of the Supreme Court pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts, to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

For the purpose of funding the salaries of the Judges of the Supreme Court pursuant to Article XIII, Section 3 of the Missouri Constitution be paid in twelve (12) equal amounts by \$39,564 from \$842,500 to \$802,936.

From \$4,228,883 to \$4,189,319 in total from General Revenue Fund.

From \$4,308,883 to \$4,269,319 in total for the section.

#### Section 12.230

I hereby veto \$57,233 general revenue for the purpose of funding the salaries of the Judges of the Western District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts, to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

For the purpose of funding the salaries of the Judges of the Western District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts by \$57,233 from \$1,232,000 to \$1,174,767.

From \$3,365,845 to \$3,308,612 in total from General Revenue Fund.

From \$3,365,845 to \$3,308,612 in total for the section.

#### Section 12.235

I hereby veto \$72,842 general revenue for the purpose of funding the salaries of the Judges of the Eastern District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts, to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

For the purpose of funding the salaries of the Judges of the Eastern District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri constitution to be paid in twelve (12) equal amounts by \$72,842 from \$1,568,000 to \$1,495,158.

From \$4,334,725 to \$4,261,883 in total from General Revenue Fund.

From \$4,334,725 to \$4,261,883 in total for the section.

#### Section 12.240

I hereby veto \$36,421 general revenue for the purpose of funding the salaries of the Judges of the Southern District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts, to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

For the purpose of funding the salaries of the Judges of the Southern District Court of Appeals pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts by \$36,421 from \$784,000 to \$747,579.

From \$2,170,128 to \$2,133,707 in total from General Revenue Fund.

From \$2,170,128 to \$2,133,707 in total for the section.

#### Section 12.245



I hereby veto \$752,514 general revenue the purpose of funding the salaries of the Judges of the Circuit Court pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts, to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision. In addition, I hereby veto \$1,153,000 for the purpose of funding the salaries of the Judges of the Associate Circuit pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts, to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

For the purpose of funding the salaries of the Judges of the Circuit Court pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts by \$752,514 from \$14,407,200 to \$13,654,686.

For the purpose of funding the salaries of the Judges of the Associate Circuit pursuant to Article XIII, Section 3 of the Missouri Constitution to be paid in twelve (12) equal amounts by \$1,153,000 from \$18,600,000 to \$17,447,000.

From \$100,627,410 to \$98,721,896 in total from General Revenue Fund.

From \$103,350,361 to \$101,444,847 in total for the section.

#### Section 12.260

I hereby veto \$5,453 general revenue for personal service to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Personal Service by \$5,453 from \$161,075 to \$155,622.

From \$226,086 to \$220,603 in total from General Revenue Fund.

From \$226,086 to \$220,603 in total for the section.

#### Section 12.400

I hereby veto \$49,440 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$49,440 from \$49,440 to \$0.

From \$12,030,730 to \$11,981,290 in total from General Revenue Fund.

From \$12,070,730 to \$12,021,290 in total for the section.

#### Section 12.405

I hereby veto \$237,021 general revenue for annual salary adjustment in accordance with Section 105.005, RSMo to comply with the Missouri Supreme Court decision in Weinstock v. Holden, handed down after the General Assembly finalized appropriations, and to give the General Assembly the opportunity to make constitutional appropriations in compliance with the final decision.

Annual Salary Adjustment in accordance with Section 105.005, RSMo by \$237,021 from \$237,021 to \$0.

From \$21,394,241 to \$21,157,220 in total from General Revenue Fund.

From \$21,439,241 to \$21,202,220 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 12, except for those items specifically

vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 13 entitled:

"AN ACT"

To appropriate money for real property leases, related service, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Section 13.015

I hereby veto \$10,000 general revenue from the Division of Facilities Management for the payment of real property leases, for new staff in the Department of Public Safety. Five new staff for Fire Safety, Capitol Police and Liquor Control will be housed in current leased space, thereby making this additional amount unnecessary.

Expense and Equipment by \$10,000 from \$2,748,925 to \$2,738,925 from General Revenue Fund.

From \$2,748,925 to \$2,738,925 in total from General Revenue Fund.

From \$7,445,910 to \$7,435,910 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 13, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 22, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 18 entitled:

"AN ACT"

To appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements and acquisitions, and to transfer money among

certain funds.

Section 18.101

I hereby veto \$400,000 general revenue to help public television stations convert from analog to digital television. This funding was not requested through the Office of Administration. The state has already taken important steps to support public television. The Office of Administration budget includes \$645,160 for public television, which is an increase of \$551,845 over Fiscal Year 1999.

Said section is vetoed in its entirety.

From \$400,000 to \$0 from General Revenue Fund.

From \$400,000 to \$0 in total for the section.

On June 22, 1999, I approved said Conference Committee Substitute for House Bill No. 18, except for the item specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill No. 60 entitled:

"AN ACT"

To repeal sections 301.080, 301.192, 301.215, 301.300, 301.340, 301.370 and 301.711, RSMo 1994, sections 301.020, 301.129, 301.131, 301.132, 301.142, 301.145, 301.191, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465, 301.466, 301.564 and 301.800, RSMo Supp. 1998, section 301.064 as enacted by both senate bill no. 3 and senate bill no. 70 of the 1st regular session of the 88th general assembly, and section 301.064, as enacted by house bill no. 769 of the 1st regular session of the 89th general assembly, as both sections appear in RSMo, Supp. 1998, and section 301.144, as enacted by both senate bill no. 3 and senate bill no. 70 of the 1st regular session of the 88th general assembly, as both sections appear in the RSMo, Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions.

I disapprove of Senate Committee Substitute for House Committee Substitute for House Bill No. 60. My reasons for disapproval are as follows:

While the title of the bill states that it is an act "...relating to motor vehicle license plates..." it contains provisions creating a "Missouri Alternatives to Abortion Support Fund" and a "Missouri Respect Life Commission" in the Office of Administration. The bill also purports to create duties and responsibilities of the Commission as well as an appointment process for the members of the Commission.

These provisions are clearly unrelated to motor vehicle license plates. The use of a license plate bill to create a lobbying organization is inappropriate and in this particular act most likely in violation of Article III Section 23, of the Missouri constitution which states:

"No bill shall contain more than one subject which shall be clearly expressed in its title..."

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Committee

Substitute for House Bill No. 60 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267 entitled:

"AN ACT"

To repeal sections 311.091, 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329 and 311.660, RSMo 1994, and sections 311.098, 311.102, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

I disapprove of Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267. My reasons for disapproval are as follows:

The bill would require the State Supervisor of the Division of Liquor Control to enact guidelines for local law enforcement to follow when conducting an investigation related to the sale of liquor to minors. House Bill No. 267 restricts the occurrence of these investigations to once every six months. In addition, the bill prohibits the State Supervisor of Liquor Control from taking disciplinary action against the vendor if standards on use of minors are not followed by the state, local, county, municipal or other local law enforcement authority. While I believe guidelines related to these investigations to be useful to law enforcement and liquor vendors, the guidelines as they appear in this bill do not provide local law enforcement the flexibility they need to combat the serious problem of underage drinking in their community.

In addition, the bill prohibits political subdivisions, except Kansas City, from imposing a liquor license disciplinary action against a licensee that exceeds the disciplinary action imposed by the Supervisor of Liquor Control arising out of the same incident, incidents or same violation. This provision also removes the flexibility needed by communities to determine the appropriate regulation of the sale of liquor in their cities and towns.

For all of the above state reasons for disapproval, I am returning Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 12, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI



Herewith I return to you Senate Substitute No. 3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 & 404 entitled:

"AN ACT"

To amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

I disapprove of Senate Substitute No. 3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 & 404. Not only is this bill poorly written and dangerously flawed, it is deceptive and extreme. According to some of its proponents, the bill was originally intended to ban "partial birth" or late term abortions. However, in its final form, the bill is much broader. In fact, referring to this bill as a ban on "partial birth" abortions is a gross mischaracterization of the intent and ramifications of this final legislation. Certainly, advocates of a woman's right to choose will be outraged by the bill's attempt to establish severe criminal penalties for undergoing the safest and most commonplace abortion procedures even as early as the fifth and sixth week of pregnancy. But just as certainly, many persons who oppose a woman's right to choose will find the provisions and consequences - whether intended or not by its authors - of this bill unacceptable and irresponsible.

My reasons for disapproval are as follows:

- 1) This bill goes far beyond banning "partial birth" or "late term" abortions. The bill bans some of the safest and most commonplace first and second trimester abortion procedures. I have said repeatedly that I would sign a bill banning "partial birth" abortions (assuming it included an exception to safeguard the mother's health). Unfortunately, the legislature chose not to send me such a bill and, instead, sent me a bill seeking to outlaw many abortions that are now safely and legally performed in the first few weeks of pregnancy. The bill achieves this objective largely by deception. It assigns definitions that are far removed from and counter-intuitive to the plain and ordinary meanings of the terms being defined. For example, the bill's definition of "living infant" includes stages of development prior to viability and as early as the embryonic stage of the fifth or sixth week of pregnancy. Similarly, the terms "born" and "partially born," as defined by this bill, are unrelated to the notion of an infant being outside or partially outside the mother's body, or for that matter, to virtually any other stage of fetal development.
- 2) The bill attempts to intimidate women seeking abortions in the early stages of pregnancy by outlawing the use of the safest procedures and leaving available only procedures that pose a greater risk to the woman's life and health.
- 3) As some of the bill's proponents have acknowledged, this bill is specifically intended to violate Constitutional rights recognized by the U.S. Supreme Court in its decision in Roe v. Wade and thereby precipitate a challenge to those rights.
- 4) This abortion ban fails to include an exception for medical emergencies or for preserving the health of the mother. A health exception is both constitutionally and ethically essential. The U.S. Supreme Court has repeatedly stated that legislation limiting abortions must include a health exception.
- 5) This bill criminalizes innocent women who are forced to make difficult health decisions. More specifically, the bill provides for severe criminal penalties - including sentences of up to life in prison - for a woman who undergoes an abortion procedure in violation of this bill, the physician who performs such a procedure, the medical personnel who assists the physician in performing such a procedure, and anyone who assists the woman in obtaining such a procedure. Thus, without a health exception, the bill allows an anti-choice prosecutor to criminally charge a woman who undergoes a medically safe abortion procedure banned by this bill, even if the procedure is done in the early stages of pregnancy and is essential to protect the woman's health.
- 6) This abortion ban fails to include an exception for rape or incest. Such an exception is ethically essential and has special implications for children. A child impregnated through incest or rape may not realize she is pregnant until the safest procedures medically available to her are those outlawed by this bill.
- 7) The bill fails to make clear which activities or conduct by a woman or her health care provider (including ob/gyn's, neonatologists, emergency room physicians, or nurses) will continue to be legally protected and which will make them subject to criminal prosecution. Not only is such vagueness dangerous and unconstitutional, it also has the effect of limiting patient access to legal abortions since health care workers who cannot determine in advance which conduct is illegal will be reluctant to engage in any conduct that an over zealous anti-choice prosecutor, relying on the vagueness of the bill, might allege is illegal. The same prosecutor might subject them to lengthy grand jury investigation even if the health care providers are not guilty pursuant to the provisions of this bill.

8) Perhaps most outrageously of all, this bill will allow someone to legally commit acts of violence, including a lethal act against a physician, nurse or patient in order to prevent the termination of a pregnancy by a procedure which the attacker reasonably believes would be a violation of this bill. The woman, physician, nurse, or other medical care provider could legally be the target of such violence because this bill has been included in the criminal code section of the statutes. In fact, the bill specifically references the chapter which permits such action. It is unclear whether this was or was not intended by the bill's authors. However, as some local prosecutors have recently noted this is a clear consequence of the bill, nonetheless.

For all of the above stated reasons for disapproval, I am returning you Senate Substitute No. 3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 & 404 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793 entitled:

"AN ACT"

To repeal sections 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

I disapprove of Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793. My reasons for disapproval are as follows:

The Staff of the Gaming Commission has recommended I veto the bill for the following reasons:

The most significant concern is that the bill appears to allow anyone to play a non-device based game of skill that confers noncash prizes, toys, novelties, coupons, or other representations of value which may be redeemed on the premises for something of value in the form of prizes, toys, or novelties but shall specifically exclude cash, gift certificates, intoxicating beer or liquor, nonintoxicating beer or tobacco products.

The something of value shall not exceed \$250 as determined by the cost to the owner or manager of the premise. It appears that this language, contained in the 572.010 amendments, would allow casino style games, such as blackjack or poker, to be played for prizes not exceeding \$250.

The restriction that the games may not resemble slot machines or games authorized by the riverboat gaming act only applies to "redemption devices". Therefore, someone could play a "game" that is not a "device" using chips to be redeemed for noncash prizes of \$250 or less. This could be construed to be an expansion of legalized gambling.

It is unclear whether the prize limit of \$250 applies to a single sitting or to each hand in a card game. One could argue that a player could win (and thus lose) \$250 per hand, which is far higher stakes than occurs on Missouri riverboats. With these games there is no \$500 loss limit.

There is no regulatory oversight of any of the games. There is no age restriction, no prohibition against the involvement of felons and no audit procedures for any of these games. In addition, the proceeds are not taxed like all other forms of legal gambling.

The prohibition on the sale or transfer of prizes for cash or any other consideration would be almost impossible to enforce. The failure of many local officials to enforce the relatively straightforward statutes dealing with slot machines is indicative of the enforcement problems that can be anticipated.

The regulatory scheme for riverboat casinos requires strict accountability for how games are conducted and for the security of gambling paraphernalia to ensure those participating in such games are treated fairly. If our analysis is correct, gambling games of skill could be offered anywhere in the state, with absolutely no controls except the \$250 limit on "something of value".

While we are disappointed that a veto will result in losing the important provisions for problem gamblers, minors in the casino and the regulation of raffles, we cannot in good conscience recommend that the bill be signed given flaws in the Chapter 572 amendments.

As a result of this recommendation I must veto HB 793.

For all of the above stated reasons for disapproval, I am returning Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 929 entitled:

"AN ACT"

Relating to open burning of household refuse in certain counties.

I disapprove of House Bill No. 929. My reasons for disapproval are as follows:

The risk of sanctions by the EPA is too great to take a permanent step such as this. I have been informed that the Missouri Department of Natural Resources may permit such burning by rule. Given the greater flexibility in rulemaking and the risk for sanctions against other commercial businesses in the area, I must disapprove this bill.

For all of the above stated reasons for disapproval, I am returning House Bill No. 929 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Governor

**HOUSE BILLS VETOED FROM THE  
FIRST REGULAR SESSION**

Speaker Gaw read the following House Bills vetoed from the First Regular Session: **CCS HB 2, CCS HB 3, CCS HB 5, CCS HB 7, CCS HB 8, and CCS HB 9.**

**CCS HB 9**, relating to appropriations, was taken up by Representative Troupe.

Representative Troupe moved that section 9.400 of **CCS HB 9** be enacted into law, the objections of the Governor thereto notwithstanding.



Which motion was defeated by the following vote:

AYES: 086

Akin Alter Auer Ballard Barnett  
Bartle Bennett Berkstresser Black Boatright  
Bonner Boucher Burton Champion Chrismer  
Cierpiot Crump Curls Davis 63 Dolan  
Dougherty Elliott Enz Evans Foster  
Froelker Gaskill Gibbons Graham 106 Gratz  
Griesheimer Gross Gunn Hartzler 123 Hartzler 124  
Hegeman Hendrickson Hilgemann Hohulin Holand  
Kasten Kelley 47 King Klindt Kreider  
Legan Levin Linton Lograsso Long  
Luetkenhaus Marble McClelland Merideth Miller  
Murphy Murray Myers Naeger O'Connor  
Ostmann Phillips Pouche Purgason Reid  
Reinhart Reynolds Richardson Ridgeway Robirds  
Ross Sallee Schilling Schwab Scott  
Secrest Shelton Shields Stokan Summers  
Surface Thompson 37 Townley Troupe Tudor  
Vogel

NOES: 072

Abel Backer Barry 100 Berkowitz Blunt  
Bray 84 Britt Campbell Carter Clayton  
Crawford Davis 122 Days Farnen Fitzwater  
Foley Franklin Fraser Gambaro George  
Graham 24 Green Hagan-Harrell Hampton Hanaway  
Harlan Hickey Hollingsworth Hoppe Hosmer  
Howerton Kelly 27 Kennedy Kissell Koller  
Lakin Lawson Leake Loudon Luetkemeyer  
May 108 Mays 50 McKenna McLuckie Monaco  
Nordwald O'Toole Overschmidt Parker Patek  
Pryor Ransdall Relford Riley Rizzo  
Scheve Seigfreid Selby Skaggs Smith  
Thompson 72 Treadway Van Zandt Wagner Ward  
Wiggins Williams 121 Williams 159 Wilson 25 Wilson 42  
Wright Mr. Speaker



PRESENT: 002

Boykins Ford

ABSENT WITH LEAVE: 003

Bartelsmeyer Liese McBride

Speaker Gaw read the following House Bills vetoed from the First Regular Session: **CCS HB 11, CCS HB 12, CCS HB 13, CCS HB 18, SCS HCS HB 60, CCS SS SCS HCS HB 267, and SS#3 SCS HS HCS HBs 427, 40, 196 & 404.**

**SS#3 SCS HS HCS HBs 427, 40, 196 & 404**, relating to infanticide, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus moved that **SS#3 SCS HS HCS HBs 427, 40, 196 & 404** be enacted into law, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 127

Abel Akin Alter Auer Ballard

Barnett Barry 100 Bartelsmeyer Bartle Bennett

Berkowitz Berkstresser Black Blunt Boatright

Bonner Boucher Britt Burton Champion

Chrismer Cierpiot Crawford Crump Davis 122

Davis 63 Dolan Dougherty Elliott Enz

Evans Farnen Foley Foster Froelker

Gambaro Gaskill George Gibbons Graham 106

Gratz Green Griesheimer Gross Hampton

Hanaway Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hickey Hohulin Holand Hoppe Hosmer

Howerton Kasten Kelley 47 Kelly 27 Kennedy

King Kissell Klindt Koller Kreider

Lawson Leake Legan Levin Linton

Lograsso Long Loudon Luetkemeyer Luetkenhaus

Marble McBride McClelland McKenna Merideth

Miller Monaco Murphy Murray Myers

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Phillips Pouche

Pryor Purgason Ransdall Reid Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Schwab Scott

Secrest Seigfreid Selby Shields Smith

Stokan Summers Surface Townley Treadway

Tudor Vogel Wagner Ward Wiggins

Williams 159 Wright

NOES: 034

Backer Boykins Bray 84 Campbell Carter

Clayton Curls Days Fitzwater Ford

Franklin Fraser Graham 24 Gunn Hagan-Harrell

Harlan Hilgemann Hollingsworth Lakin May 108

Mays 50 McLuckie Riley Scheve Schilling

Shelton Skaggs Thompson 37 Thompson 72 Van Zandt

Williams 121 Wilson 25 Wilson 42 Mr. Speaker

PRESENT: 001

Troupe

ABSENT WITH LEAVE: 001

Liese

Representative Shields requested a verification of the roll call.

Speaker Gaw read the following House Bills vetoed from the First Regular Session: **CCS SS SCS HS HCS HB 793** and **HB 929**.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS HS HCS SS SCS SB 335**, the objection of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the attached is a certified copy of the Roll Call on **CCS HS HCS SS SCS SB 335**.

#### SENATE BILL VETOED FROM THE FIRST REGULAR SESSION

The Speaker read the following Senate Bill vetoed from the First Regular Session: **CCS HS HCS SS SCS SB 335**.

**CCS HS HCS SS SCS SB 335** was called thereafter and no motion was taken thereon.

#### RESOLUTION

Representative Crump offered House Resolution No. 3.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the

Governor's vetoes on **CCS HB 2, CCS HB 3, CCS HB 5, CCS HB 7, CCS HB 8, CCS HB 11, CCS HB 12, CCS HB 13, CCS HB 18, SCS HCS HB 60, CCS SS SCS HCS HB 267, CCS SS SCS HS HCS HB 793**, and **HB 929** when the bills were called by the Speaker and that a motion to override the veto on **CCS HB 9** was made and failed when the bill was called by the Speaker.

On motion of Representative Crump, Rule 63 was suspended and House Resolution No. 3 was adopted by the following vote:

AYES: 161

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boucher Boykins Bray 84

Britt Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Crawford Crump

Curls Davis 122 Davis 63 Days Dolan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fraser Froelker Gambaro Gaskill George

Gibbons Graham 106 Graham 24 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hampton

Hanaway Harlan Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kelley 47 Kelly 27 Kennedy King Kissell

Klindt Koller Kreider Lakin Lawson

Leake Legan Levin Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Phillips Pouche Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Riley Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Selby Shelton Shields

Skaggs Smith Stokan Summers Surface

Thompson 72 Townley Treadway Troupe Tudor

Van Zandt Vogel Wagner Ward Wiggins

Williams 121 Williams 159 Wilson 25 Wilson 42 Wright

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Liese Thompson 37

### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, September 16, 1999 or until such time as the House has received all messages from the Senate and then adjourn pursuant to the Constitution.

Which motion was adopted by the following vote:

AYES: 131

Abel Akin Alter Auer Backer

Ballard Barnett Barry 100 Bartelsmeyer Bartle

Bennett Berkowitz Berkstresser Black Blunt

Boatright Bonner Boykins Britt Campbell

Carter Chrismer Cierpiot Crawford Crump

Curls Davis 122 Days Dougherty Elliott

Enz Farnen Fitzwater Foley Foster

Franklin Fraser Froelker Gambaro Gaskill

Gibbons Graham 106 Graham 24 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hampton Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hilgemann

Hohulin Holand Hollingsworth Hosmer Howerton

Kelley 47 Kennedy King Kissell Kreider

Lakin Lawson Levin Linton Lograsso

Long Loudon Luetkemeyer Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McKenna

McLuckie Merideth Miller Monaco Murphy

Murray Myers Nordwald O'Connor Ostmann

Overschmidt Phillips Pryor Purgason Ransdall

Reid Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Selby Shelton Shields Skaggs

Smith Stokan Summers Thompson 72 Townley

Tudor Van Zandt Vogel Wagner Ward

Williams 121 Williams 159 Wilson 25 Wilson 42 Wright

Mr. Speaker



NOES: 001

Clayton

PRESENT: 000

ABSENT WITH LEAVE: 031

Boucher Bray 84 Burton Champion Davis 63

Dolan Evans Ford George Green

Hanaway Hickey Hoppe Kasten Kelly 27

Klindt Koller Leake Legan Liese

Naeger O'Toole Parker Patek Pouche

Riley Surface Thompson 37 Treadway Troupe

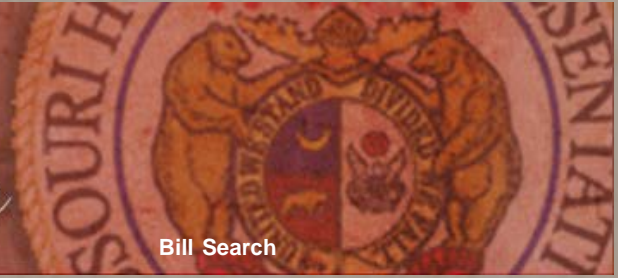
Wiggins



Missouri House of Representatives

# MISSOURI

## House of Representatives

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## House Journal

VETO SESSION

First Regular Session, 90th General Assembly

SECOND DAY, Thursday, September 16, 1999

The House met pursuant to adjournment.

Representative Skaggs in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed Senate Substitute No. 3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 and 404, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has offered and adopted the following resolution:

SENATE RESOLUTION NO. 10

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 244; Conference Committee Substitute for Senate Bill No. 294 and House Substitute for Senate Committee Substitute for Senate Bill No. 498 when the bills were so called by the President.

Having been duly certified, **SS#3 SCS HS HCS HBs 427, 40, 196 & 404** was delivered to the Secretary of State.

### ADJOURNMENT

On motion of Representative Skaggs, the Veto Session of the Ninetieth General Assembly, First Regular Session, was adjourned sine die.



Missouri House of Representatives